Supreme Court of Ohio Clerk of Court - Filed March 30, 2016 - Case No. 2016-0464

Case No. _____

Supreme Court of the State of Ohio

STATE OF OHIO *ex rel.*
ETHICS FIRST – YOU DECIDE OHIO POLITICAL ACTION COMMITTEE,

and

STATE OF OHIO *ex rel.* RON ALBAN,

and

STATE OF OHIO *ex rel.* TIM BOGGS,

and

STATE OF OHIO ex rel. JOHN BOYLE, JR.,

Relators,

v.

R. MICHAEL DeWINE, Ohio Attorney General,

Respondent.

VERIFIED COMPLAINT FOR WRIT OF MANDAMUS

Counsel for Relators
Curt C. Hartman (0064242)
THE LAW FIRM OF CURT C. HARTMAN
7394 Ridgepoint Drive, Suite 8
Cincinnati, OH 45230
(513) 379-2923
hartmanlawfirm@fuse.net

Counsel for Respondents
R. Michael DeWine (0009181)
OHIO ATTORNEY GENERAL
Damian Sikora (0075224)
Jordan Berman (0093075)
Assistant Ohio Attorneys General
30 East Broad Street, 17th Floor
Columbus, OH 43215
(614) 466-4320
Damian. Sikora@ohioattorneygeneral.gov
Jordan.Berman@ohioattorneygeneral.gov

Supreme Court of the State of Ohio

STATE OF OHIO *ex rel.* ETHICS FIRST – YOU DECIDE OHIO POLITICAL ACTION COMMITTEE % Ron Alban, Treasurer 3313 Lenox Drive Kettering, OH 45429,	:	**Case No. _____**
and	:	
STATE OF OHIO *ex rel.* RON ALBAN 3313 Lenox Drive Kettering, OH 45429,	:	**VERIFIED COMPLAINT FOR WRIT OF MANDAMUS**
and	:	
STATE OF OHIO *ex rel.* TIM BOGGS 512 Forest Street Columbus, OH 43206,	:	
and	:	
STATE OF OHIO *ex rel.* JOHN BOYLE, JR. 32105 Woodsdale Lane Solon, OH 43040,	:	
Relators,	:	
v.	:	
R. MICHAEL DeWINE, Ohio Attorney General Office of the Ohio Attorney General 30 East Broad Street Columbus, OH 43215,	:	
Respondent.	:	

The initiative and referendum do not overthrow representative government – they have not come to destroy but to fulfill. The purpose of representative government is to represent, and that purpose fails when representatives misrepresent their constituents. Experience has shown that the defects of our government are not in the people themselves, but in those who, acting as representatives of the people, embezzle power and turn to their own advantage the authority given them for the advancement of the public welfare. It has cost centuries to secure popular government; the blood of millions of the best and the bravest has been poured out to establish the doctrine that governments derive their just powers from the consent of the governed.

– William Jennings Bryan, address to the 1912 Ohio Constitutional Convention

Comes now the State of Ohio, by and through ETHICS FIRST – YOU DECIDE OHIO POLITICAL ACTION COMMITTEE, RON ALBAN, TIM BOGGS and JOHN BOYLE, JR., (collectively "Relators"), and, in support of its claim for the issuance of a writ of mandamus, alleges as follows:

1. "[T]he people's right to the use of the initiative and referendum is one of the most essential safeguards to representative government.… It is…a guaranty or safeguard to preserve representative government." *State ex rel. Nolan v. ClenDening*, 93 Ohio St. 264, 277-78, 112 N.E. 1029, 1032 (1915).

2. Thus, this action is brought to ensure and protect the right of initiative that the people of the State of Ohio expressly reserved unto themselves. *See* Ohio Const., art. II, sec. 1 ("the people reserve to themselves the power to propose…amendments to the constitution"). And the power to proposed constitutional amendment is reserved "independent of the general assembly". Ohio Const., art. II, sec. 1.

3. And this action is also brought specifically to protect the people's right of initiative from encroachment or attack by those whose actions or inaction necessitated the people's

reservation of and resort to the initiative process in the first instance, *viz.,* the General Assembly itself.

4. For "[t]he sovereign power in this state abides with the people of the state." *State ex rel. v. Hutsinpiller*, 112 Ohio St. 468, 472, 147 N.E. 647 (1925); *see* Ohio Const., art. I, sec. I ("[a]ll political power is inherent in the people").

5. Accordingly, "the people's right to the use of the initiative and referendum is one of the most essential safeguards to representative government." *State ex rel. LetOhioVote.org v. Brunner*, 123 Ohio St.3d 322, 916 N.E.2d 462, 2009-Ohio-4900 ¶20 (quoting *State ex rel. Nolan v. ClenDening*, 93 Ohio St. 264, 277-278, 112 N.E. 1029 (1915)).

6. And "the greatest efficiency of the [initiative and referendum] rests in the wholesome restraint imposed automatically upon the general assembly and the governor and the possibilities of that latent power when called into action by the voters." *State ex rel. LetOhioVote.org v. Brunner,* 123 Ohio St.3d 322, 916 N.E.2d 462, 2009-Ohio-4900 ¶20 (quoting *State ex rel. Nolan v. ClenDening*, 93 Ohio St. 264, 277-278, 112 N.E. 1029 (1915)).

7. But "[a]s the genesis of the initiative and referendum provisions of the constitution is found in the popular will formed in the slow and sure processes of experience, so the disregard of those provisions by the legislature is a thing much to be regretted, because of its effect upon the confidence of the people in the strength of constitutional government." *State ex rel. Durbin v. Smith*, 102 Ohio St. 591, 133 N.E. 457 (Ohio 1921)(Johnson, J., dissenting)

8. Thus, "[i]n order to assure full vitality and save the reserved right from any possible interference or obstruction, it is expressly ordained that the provisions in the initiative and referendum section shall be self-executing, and then follows the solemn sovereign admonition – the concluding clause – 'Laws may be passed to facilitate their operation, but in no way limiting

or restricting either such provision or the powers herein reserved.'" *State ex rel. Durbin v. Smith*, 102 Ohio St. 591, 133 N.E. 457 (Ohio 1921)(Johnson, J., dissenting)(quoting Ohio Const., art. II, sec. 1g).

9. Notwithstanding that the people expressly reserved the initiative process unto themselves *qua* the ultimate sovereign in our republic and the prohibition against any efforts or attempts to limit or restrict the initiative right of the people, the General Assembly has imposed certain limitations and restrictions upon the initiative process in violation of the Ohio Constitution for which Relators seek relief from this Court.

10. Relator ETHICS FIRST – YOU DECIDE OHIO POLITICAL ACTION COMMITTEE (hereinafter "ETHICS FIRST – YOU DECIDE OHIO") is a ballot-issue political action committee registered with the Ohio Secretary of State. ETHICS FIRST – YOU DECIDE OHIO was formed to support and advance the initiative effort at issue herein, though desires and intends to seek to advance other initiative efforts in the future.

11. Relator RON ALBAN is a citizen of the State of Ohio and a resident of Montgomery County, Ohio.

12. Relator TIM BOGGS is a citizen of the State of Ohio and a resident of Franklin County, Ohio.

13. Relator JOHN BOYLE, JR., is a citizen of the State of Ohio and a resident of Cuyahoga County, Ohio.

14. Pursuant to R.C. § 3519.02, Relators RON ALBAN, TIM BOGGS and JOHN BOYLE, JR., are the three members of the committee designated in the initiative petition at issue herein as representing the petitioners in all matters relating to such petition.

15. Respondent R. MICHAEL DEWINE is the Ohio Attorney General who has certain legal duties and responsibilities related to the process by which a proposed law or constitutional amendment is brought about by initiative petition.

16. Under current provisions of the Revised Code, the procedure for submission of a proposed constitutional amendment via initiative petition to the people of the State of Ohio, requires the following steps:

a. The submission to the Ohio Attorney General of an initial petition, signed by 1,000 qualified electors in Ohio, together with the full text of the proposed constitutional amendment and a summary of the proposed constitutional amendment. *See* R.C. § 3519.01(A).

b. Once the petition is received, the Ohio Attorney General is to certify if he or she believes the summary to be a fair and truthful statement of the proposed constitutional amendment. *See* R.C. § 3519.01(A).

c. Once the statement on the petition is certified as being a fair and truthful statement of the proposed constitutional amendment, the Attorney General then forwards the petition to the Ohio Ballot Board which will evaluate the petition to determine whether it proposes only one constitutional amendment. *See* R.C. § 3505.062(A).

d. If the Ohio Ballot Board concludes the petition contains only one proposed constitutional amendment, it shall so certify such conclusion to the Ohio Attorney General. *See* R.C. § 3505.062(A).

e. Upon receipt of the certification from the Ohio Ballot Board that the petition contains only one proposed constitutional amendment, the Ohio Attorney General will then filed with the Ohio Secretary of State a verified copy of the proposed constitutional amendment together with its summary and the Attorney General's certification that the summary is a fair and truthful statement of the proposed constitutional amendment. *See* R.C. § 3519.01(A)

f. If, on the other hand, the Ohio Ballot Board concludes the petition contains more than one proposed constitutional amendment, it shall on its own divide the initiative petition into individual parts containing only one proposed constitutional amendment and certify its approval of the divided proposal to the Ohio Attorney General. *See* R.C. § 3505.062(A).

g. In the event the Ohio Ballot Board divides a proposed constitutional amendment into multiple proposed constitutional amendments, it shall so certify its approval of such division thereof to the Ohio Attorney General. *See* R.C. § 3505.062(A).

h. Upon the Ohio Ballot Board certifying to the Ohio Attorney General its approval of the division of a proposed constitutional amendment into multiple constitutional amendments, the petitioners in support of the originally proposed constitutional amendment must then resubmit to the Ohio Attorney General appropriate summaries for each of the proposed constitutional amendments arising from the Ohio Ballot Board's division of the initiative petition. *See* R.C. § 3505.062(A).

i. Upon the Ohio Attorney General certifying that each of the resubmitted summaries constitute a fair and truthful statement of each of the proposed constitutional amendments as divided by the Ohio Ballot Board, the Ohio Attorney General will then filed with the Ohio Secretary of State a verified copy of each of proposed constitutional amendments as divided by the Ohio Ballot Board together with the respective summaries thereof and the Attorney General's certifications that each summary is a fair and truthful statement of the respective proposed constitutional amendment. *See* R.C. § 3519.01(A).

j. Upon the Ohio Attorney General filing with the Ohio Secretary of State a verified copy of any proposed constitutional amendment, together with the summary thereof and the certifications that such summary is a fair and truthful statement of the proposed constitutional amendment, the petitioners in support of such proposed constitutional amendment may begin to collect signatures for the initiative constitutional amendment.

17. Relators are currently engaged in efforts to submit a proposed constitutional amendment to the people of the State of Ohio for a statewide vote.

18. The proposed constitutional amendment being advocated and advanced by Relators proposes to add a new section 43 to Article II of the Ohio Constitution and would provide:

> Article II, § 43. Raising the Ethical Standards of the General Assembly
>
> (A) All laws that apply to the people of this state and its political subdivisions, including laws requiring the payment of state and local taxes, shall apply equally to the members and employees of the general assembly.
>
> (B) A former member of the general assembly, for a period of two years after becoming a former member of the general assembly, shall not personally represent another person or entity for compensation before any member or

employee of the general assembly. This division shall not apply to any person who became a former member on or before January 2, 2017.

(C) The annual fixed compensation that members of the general assembly shall receive for their service as members shall not exceed the annual median household income in Ohio, which shall be ascertained by the auditor of state in January of each even-numbered year, with any adjustment to the compensation limit to take effect the following January 1. Members may receive additional annual fixed compensation for their service as officers of the general assembly, which shall not exceed forty percent of the annual fixed compensation for their service as members.

(D) All records, including electronic records, which serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the general assembly, shall be maintained in a manner such that the records are under the direct control of the State of Ohio. All such records shall be maintained for at least four years after their creation. This division shall take effect on January 1, 2018.

(E) Any taxpayer or class of taxpayers shall have standing to file a lawsuit for equitable relief to compel compliance with any provision of this section and, if successful, shall be entitled to an award of costs and reasonable attorney fees.

(F) All provisions of this section shall be self-executing and severable, and shall supersede all conflicting state and local laws.

19. On March 4, 2016, Relator ETHICS FIRST – YOU DECIDE OHIO tendered to Attorney General DEWINE the full text of the foregoing proposed constitutional amendment, a summary of the proposed constitutional amendment and a petition containing 1954 signatures in support of the proposed constitutional amendment.

20. A true and accurate copy of the submission tendered to the Ohio Attorney General on March 4, 2016, though without the accompanying part-petitions, is attached hereto as Exhibit A.

21. On March 14, 2016, Attorney General DeWINE certified that the summary tendered on behalf of ETHICS FIRST – YOU DECIDE OHIO of the foregoing proposed

constitutional amendment constituted a fair and truthful statement of the proposed constitutional amendment.

22. A true and accurate copy of the certification of Respondent DeWINE is attached hereto as Exhibit B.

23. Attorney General DeWINE transmitted the certification, *i.e.*, Exhibit B, to the Ohio Secretary of State in the latter's capacity as Chairman of the Ohio Ballot Board.

24. On March 23, 2016, the Ohio Ballot Board met and concluded that the petition submitted by ETHICS FIRST – YOU DECIDE OHIO contained more than one proposed constitutional amendment and, thus, divided the proposed constitutional amendment into three separate proposed constitutional amendments.

25. On March 23, 2016, the Ohio Ballot Board apprized the Ohio Attorney General via letter of its conclusions and action.

26. A true and accurate copy of the letter from the Ohio Ballot Board to the Ohio Attorney General (as published on the governmental website of the Ohio Secretary of State – www.sos.state.oh.us/sos/upload/ballotboard/2016/2016-03-22-ethicsfirst-certification.pdf) is attached hereto as Exhibit C.

CLAIM FOR ISSUANCE OF WRIT OF MANDAMUS

27. In light of the action of the Ohio Ballot Board to divide the proposed constitutional amendment being advanced by Relators into multiple proposed constitutional amendments, Attorney General DeWINE has not and will not file with the Ohio Secretary of State a verified copy of the proposed constitutional amendment as originally submitted by ETHICS FIRST – YOU DECIDE OHIO, together with a summary of the proposed constitutional amendment and

the certification that the summary is a fair and truthful of the proposed constitutional amendment.

28. However, the current statutory scheme by which a proposed constitutional amendment being advanced by initiative petition is considered and subjected to being divided into multiple parts by the Ohio Ballot Board violates the rights of initiative expressly reserved to the people, including Relators, within the Ohio Constitution.

29. Because such current statutory scheme violates the Ohio Constitution, those statutory provisions (R.C. § 3519.01 and R.C. § 3505.062) are null and void as currently codified, and, notwithstanding the current statutory provisions, the Ohio Attorney General has the present legal duty to file with the Ohio Secretary of State a verified copy of the proposed constitutional amendment as originally submitted by ETHICS FIRST – YOU DECIDE OHIO, together with the summary and the certification that the summary is a fair and truthful of the proposed constitutional amendment, so that Relators may begin to collect signatures for the initiative constitutional amendment as a single proposed constitutional amendment.

Overview of Right of Initiative

30. Adopted by the people of the State of Ohio following the 1912 Ohio Constitutional Convention, the right of the people to use the initiative and referendum is set forth in Article II, Sections 1a to 1g, of the Ohio Constitution.

31. "An examination of the various provisions of the constitution shows with what painstaking care the right of [initiative or] referendum was safeguarded, and that provision was made in the constitution expressly denying to the legislature any impairment of the right of [initiative or] referendum." *Shryock v. Zanesville*, 92 Ohio St. 375, 382, 110 N.E. 937, 939 (1915).

32. For Article II, Section 1g, of the Ohio Constitution provides, in part and with emphasis added, that the initiative and referendum provisions "shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved."

33. Notwithstanding the prohibition within Article II, Section 1g, of the Ohio Constitution against the passage of laws limiting or restriction, *inter alia*, the right of initiative, statutory amendments to R.C. § 3519.01 and R.C. § 3505.062 adopted in 2006 concerning the submission of a proposed law or constitutional amendment by initiative petition unconstitutionally limit and/or restrict the power of initiative that the people have reserved unto themselves.

34. On January 31, 2006, the 126th General Assembly passed and the governor signed H.B. 3.

35. H.B. 3 as passed by the 126th General Assembly and signed by the governor became effective on May 2, 2006.

36. H.B. 3 made several changes within, *inter alia*, Chapter 35 of the Ohio Revised, including effectuating an amendment to R.C. § 3519.01 and R.C. § 3505.062.

37. A copy of the portions of H.B. 3 from the 126th General Assembly identifying the amendments therein to R.C. § 3519.01 and R.C. § 3505.062 (as published from the governmental website of the Ohio Legislative Service Commission) is attached hereto as Exhibit D.

38. A copy of R.C. § 3519.01 as it existed prior to the amendment effectuated by H.B. 3 is attached hereto as Exhibit E.

39. A copy of R.C. § 3519.01 as it existed following the amendment effectuated by H.B. 3 is attached hereto as Exhibit F.

40. A copy of R.C. § 3519.01 as it currently exists is attached hereto as Exhibit G.

41. A copy of R.C. § 3505.062 as it existed prior to the amendment effectuated by H.B. 3 is attached hereto as Exhibit H.

42. A copy of R.C. 3505.062 as it existed following the amendment effectuated by H.B. 3 is attached hereto as Exhibit I.

43. A copy of R.C. § 3505.062 as it currently exists is attached hereto as Exhibit J.

44. Prior to May 2, 2006, whenever any citizen or group of citizens sought to propose a law or constitutional amendment by initiative petition, R.C. § 3519.01(A) required the submission of the proposed law or constitutional amendment and a summary to the Ohio Attorney General, together with a requisite number of signatures.

45. Prior to May 2, 2006, upon the submission of a proposed law or constitutional amendment and a summary to the Ohio Attorney General together with the requisite number of signatures, R.C. § 3519.01(A) required the Ohio Attorney General to examine said submission and if, in the opinion of the Attorney General, the summary was a fair and truthful statement of the proposed law or constitutional amendment, the Ohio Attorney General was required to so certify.

46. Prior to May 2, 2006, if the Ohio Attorney General certified the summary of a proposed law or constitutional amendment to be a fair and truthful statement of the proposed law or constitutional amendment, R.C. § 3519.01(A) then required the Ohio Attorney General to file with the Ohio Secretary of State a verified copy of the proposed law or constitutional amendment, together with the summary and the Attorney General's certification. Upon the Ohio Attorney General filing with the Ohio Secretary of State a verified copy of the proposed law or constitutional amendment, together with the summary and the Attorney General's certification,

those seeking to submit the proposed law or constitutional amendment by initiative petition could commence circulating the petition in order to obtain the requisite number of signatures.

47. A substantive change to the initiative petition process effectuated by H.B. 3 included insertion of the extra-constitutional requirement in R.C. § 3519.01(A) that: "Only one proposal of law or constitutional amendment to be proposed by initiative petition shall be contained in an initiative petition to enable the voters to vote on that proposal separately."

48. Another substantive change to the initiative petition process effectuated by H.B. 3 included unconstitutionally interjecting the Ohio Ballot Board into the initiative petition process.

49. Specifically, R.C. § 3519.01(A), as amended by H.B. 3, requires the Ohio Attorney General, upon certifying the summary of a law or proposed constitutional amendment to be a fair and truthful statement of the proposed law or constitutional amendment, to "forward the submitted petition to the Ohio ballot board for its approval under division (A) of section 3505.062 of the Revised Code"

50. Pursuant to R.C. § 3505.062, as amended by H.B. 3, if the Ohio Ballot Board determines that a petition contains only one proposed law or constitutional amendment so as to enable the voters to vote on a proposal separately, "it shall certify its approval to the attorney general, who then shall file with the secretary of state in accordance with division (A) of section 3519.01 of the Revised Code a verified copy of the proposed law or constitutional amendment together with its summary and the attorney general's certification of it."

51. In turn, R.C. § 3519.01(A), as amended by H.B. 3, provides that "[i]f the Ohio ballot board returns the submitted petition to the attorney general with its certification as described [R.C. § 3505.062(A)], the attorney general shall then file with the secretary of state a verified copy of the proposed law or constitutional amendment together with its summary and

the attorney general's certification." Upon the Ohio Attorney General filing with the Ohio Secretary of State a verified copy of the proposed law or constitutional amendment, together with the summary and the Attorney General's certification, those seeking to submit a proposed law or constitutional amendment by initiative petition could commence circulating the petition in order to obtain the requisite number of signatures.

52. However, pursuant to R.C. § 3505.062, as amended by H.B. 3, if the Ohio Ballot Board determines that a petition contains more than one proposed law or constitutional amendment, the Ballot Board is required to split the amendment as proposed by the people into multiple proposals.

The constitutional right to initiative is limited or restricted in violation of Article II, Section 1g, of the Ohio Constitution by: (i) a statutory enactment imposing an extra-constitutional requirement that only a single constitutional amendment can be proposed by the people via initiative petition; and (ii) empowering the Ohio Ballot Board to divide a proposed constitutional amendment into multiple proposals.

53. As noted above, Article II, Section 1g, of the Ohio Constitution prohibits the passage of any laws that limit or restrict the power of initiative.

54. R.C. § 3519.01(A) , as amended by H.B. 3, unconstitutionally limits or restricts the right of initiative by imposing an extra-constitutional requirement that "[o]nly one proposal of law or constitutional amendment to be proposed by initiative petition shall be contained in an initiative petition to enable the voters to vote on that proposal separately."

55. R.C. § 3519.01(A) and R.C. § 3505.062(A), as amended by H.B. 3, unconstitutionally limits or restricts the right of initiative by imposing an extra-constitutional requirement that a proposed law or constitutional amendment be subjected to approval by the Ohio Ballot Board "to determine whether it contains only one proposed law or constitutional amendment so as to enable the voters to vote on a proposal separately" and, if it does not, to

"divide the initiative petition into individual petitions containing only one proposed law or constitutional amendment so as to enable the voters to vote on each proposal separately."

56. A restriction upon only one constitutional amendment being submitted to the voters is expressly imposed by the Ohio Constitution only on constitutional amendments proposed by the Ohio General Assembly.

57. Under Article XVI, Section 1 of the Ohio Constitution, the General Assembly is authorized to propose a constitutional amendment by joint resolution.

58. One of the restrictions expressly imposed by Article XVI, Section 1 of the Ohio Constitution for a proposed constitutional amendment initiated by the General Assembly is that each amendment be submitted separately to the electors: "When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately."

59. With respect to constitutional amendments proposed directly by the people via initiative petitions, the Ohio Constitution does not impose a requirement that each amendment be submitted separately to the electors.

60. Instead, through enactment of R.C. § 3519.01(A), as amended by H.B. 3, the Ohio General Assembly has sought to impose a limitation or restriction upon the right of imitative by which the people may directly propose amendments to the Ohio Constitution. *See Ohio Liberty Council v. Brunner*, 125 Ohio St.3d 315, 928 N.E.2d 410, 2010-Ohio-1845 ¶32 & ¶34 ("[u]nder Section 1, Article XVI of the Ohio Constitution, the General Assembly is authorized to propose a constitutional amendment by joint resolution, and one of the requirements specified therein for a legislatively initiated proposed constitutional amendment is that each amendment be submitted

separately to the electors…. R.C. 3519.01(A) imposes a similar requirement on citizen-initiated proposed constitutional amendments").

By subjecting the speech of proponents of a constitutional amendment being proposed by initiative to editing and control by the Ohio Ballot Board, R.C. § 3519.01(A) and R.C. § 3505.062(A), as amended by H.B. 3, violate the First Amendment to the United States Constitution as content-based restrictions on core political speech.

61. In addition to violating Article II, Section 1g, of the Ohio Constitution, R.C. § 3519.01(A) and R.C. § 3505.062(A), as amended by H.B. 3, also violate the First Amendment to the United States Constitution.

62. For "although the Constitution does not require a state to create an initiative procedure, if it creates such a procedure, the state cannot place restrictions on its use that violate the federal Constitution." *Taxpayers United for Assessment Cuts v. Austin*, 994 F.2d 291, 295 (6th Cir. 1993).

63. "The First Amendment guarantees an individual the right to free speech, 'a term necessarily comprising the decision of both what to say and what not to say.'" *Langdon v. Google, Inc.*, 474 F.Supp.2d 622, 629 (D. Del. 2007)(quoting *Riley v. National Fed'n of the Blind of North Carolina, Inc.,* 487 U.S. 781, 796-97 (1988).

64. "In exercising this right, the message intended to be conveyed… is to be determined by the [speaker] and not by the state…. To hold otherwise would give [] government the right of censorship over the thoughts and speech of the people." *New York County Bd. of Ancient Order of Hibernians v. Dinkins*, 814 F.Supp. 358 (S.D.N.Y. 1993).

65. Thus, the proponents of a constitutional amendment being proposed by initiative are masters of the content of the message or proposal that they are advocating. The proponents control the scope and content of any proposed constitutional amendment

66. But R.C. § 3519.01(A) and R.C. § 3505.062(A), as amended by H.B. 3, empower the Ohio Ballot Board to review and assess the content of the speech being advocated in a constitutional amendment being proposed by initiative, and, then, in turn, to change or alter the content of a petitioner's speech.

67. But pursuant to the First Amendment, a government "has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Police Dept. of Chicago* v. *Mosley*, 408 U. S. 92, 95 (1972).

68. Government regulation of speech is content based if such regulation "applies to particular speech because of the topic discussed or the idea or message expressed." *Reed v. City of Gilbert, Ariz.*, 576 U.S. ___, 135 S.Ct. 2218, ___ (2015).

69. "Content-based laws…are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests." *Reed v. City of Gilbert, Ariz.*, 576 U.S. ___, 135 S.Ct. 2218, ___ (2015).

70. The process of the Ohio Ballot Board under R.C. § 3519.01(A) and R.C. § 3505.062(A), as amended by H.B. 3, with respect to proposed constitutional amendments pursued by citizens by initiative petitions constitutes a governmental regulation of the content of core political speech which cannot be justified consistent with the First Amendment.

Writ of Mandamus Is Appropriate

71. The amendments to R.C. § 3519.01 and to R.C. § 3505.062 effectuated by H.B. 3 impose a restriction or limitation on the constitutional right of initiative and, thus, violates Article II, Section 1g, of the Ohio Constitution.

72. The amendments to R.C. § 3519.01 and to R.C. § 3505.062 effectuated by H.B. 3 constitute a content-based restriction on core political speech in violation of the First Amendment to the United States Constitution.

73. An unconstitutional statute is void from the date of its enactment. *Hogg v. Zanesville Canal & Mfg. Co.*, 5 Ohio 410 (1832). Stated otherwise, an unconstitutional statute is a mere nullity. *Cincinnati, Wilmington and Zanesville RR. Co. v. Clinton County*, 1 Ohio St. 77 (1852).

74. "It is the unquestioned law of this state that where an act repealing another act and purporting to provide a substitute therefor is found to be unconstitutional and invalid, the repealing clause must also be held to be invalid, unless it shall appear that the legislature would have passed the repealing clause even if it had provided no valid substitute for the act repealed." *State ex rel. Pogue v. Groom*, 91 Ohio St. 1, 11-12, 109 N.E. 477 (1914); *accord State v. Sullivan*, 90 Ohio St.3d 502, 508-09, 739 N.E.2d 788, 2001-Ohio-6.

75. It does not appear that the General Assembly would have repealed former R.C. § 3519.01 or former R.C. § 3505.062 without providing a substitute statute such that that the versions of R.C. § 3519.01 and R.C. § 3505.062 in effect prior to H.B. 3 are controlling, and must be applied in this case and dictate the legal duties of Attorney General DeWINE. *See State v. Sullivan*, 90 Ohio St.3d 502, 508-09, 739 N.E.2d 788, 2001-Ohio-6. At a minimum, the versions of R.C. § 3519.01(A) and R.C. § 3505.062(A) in effect prior to H.B. 3 are controlling and must be applied in this case, and dictate the legal duties of Attorney General DeWINE with respect to Relators' proposed constitutional amendment.

76. R.C. § 3519.01(A), as it existed prior to enactment of H.B. 3, *i.e.*, Exhibit E attached hereto, provides as follows:

> Whoever seeks to propose a law or constitutional amendment by initiative petition shall, by a written petition signed by one hundred qualified electors, submit the proposed law or constitutional amendment and a summary of it to the attorney general for examination. If in the opinion of the attorney general the summary is a fair and truthful statement of the proposed law or constitutional amendment, he shall so certify. A verified copy of the proposed law or constitutional amendment, together with the summary and the attorney general's certification, shall then be filed with the secretary of state.

77. As noted above, Relators have already tendered to the Ohio Attorney General a proposed constitutional amendment and summary thereof, together with a petition containing the requisite number of signatures, and the Ohio Attorney General has certified the summary as being a fair and truthful statement of the proposed constitutional amendment.

78. As such, with Relators having satisfied all the requirements of R.C. § 3519.01(A), as it existed prior to enactment of H.B. 3, Attorney General DeWINE has the clear legal duty to file with the Ohio Secretary of State a verified copy of the proposed constitutional amendment as originally submitted by the ETHICS FIRST – YOU DECIDE OHIO, together with the summary and the attorney general's certification.

79. However, Attorney General DeWINE has not and will not file with the Ohio Secretary of State a verified copy of the proposed constitutional amendment as originally submitted by the ETHICS FIRST – YOU DECIDE OHIO, together with a summary of the proposed constitutional amendment and the certification that the summary is a fair and truthful of the proposed constitutional amendment.

80. Relators have a clear legal right, under the Ohio Constitution, to propose constitutional amendments by initiative without the right of initiative being limited or restricted by any legislative enactment, including R.C. § 3519.01 and to R.C. § 3505.062, as amended by H.B. 3.

81. Relators have a clear legal right, under the First Amendment, to present their proposed constitutional amendment via initiative in the language of their choice, free from the Ohio Ballot Board or other governmental body controlling, editing or stifling the content of such speech.

82. Relators lack any adequate remedy at law by which they might challenge the constitutionality of R.C. § 3519.01 and to R.C. § 3505.062, as amended by H.B. 3, and, in turn, the refusal of Attorney General DeWINE to comply with the prior (and constitutional) version of R.C. § 3519.01 and to file with the Ohio Secretary of State a verified copy of the proposed constitutional amendment as originally submitted by the ETHICS FIRST – YOU DECIDE OHIO, together with the summary and the attorney general's certification.

WHEREFORE, the State of Ohio, by and on relation to the Relators, hereby applies to this Court for the issuance of a peremptory writ of mandamus or, alternatively, an alternative writ of mandamus, compelling Respondent to comply with the clear legal duty to file with the Ohio Secretary of State a verified copy of the proposed constitutional amendment as originally submitted by the ETHICS FIRST – YOU DECIDE OHIO, together with the summary and the attorney general's certification pursuant to R.C. § 3519.01(A), as it existed prior to enactment of H.B. 3.

Respectfully submitted,

Curt C. Hartman (0064242)
THE LAW FIRM OF CURT C. HARTMAN
7394 Ridgepoint Drive, Suite 8
Cincinnati, OH 45230
(513) 752-2878
hartmanlawfirm@fuse.net

Attorneys for Relators

VERIFICATION

State of Ohio, County of Clermont) ss:

Comes now, Curt Hartman, counsel for the Relators herein, having been duly cautioned and sworn, and declares that he has personal knowledge of the factual allegations above and such allegations are true and accurate.

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, on this the 29th day of March 2016.

LOGAN ARD
Notary Public, State of Ohio
My Commission Expires
September 30th, 2018

3-29-16

ETHICS FIRST – YOU DECIDE OHIO

March 4, 2016

RECEIVED
MAR 04 2016
Ohio Attorney General
Constitutional Offices Section

Hon. Mike DeWine
Ohio Attorney General
30 East Broad Street
Columbus, Ohio 43215

Re: Summary Petition for Ethics First – You Decide Ohio Committee

Dear Attorney General DeWine:

In accordance with R.C. § 3519.01(A), enclosed is a petition seeking your approval of a summary of a constitutional amendment to be proposed by initiative petition. The petition includes a proposed summary and the full text of the proposed constitutional amendment, identifies the three individuals designated to represent the petitioners in all matters related to the petition and its circulation, and contains 1954 signatures on 61 part-petitions. A list of the part-petitions and number of signatures, by county, is enclosed.

Kindly direct all correspondence regarding this matter to Ron Alban at ron.alban55@gmail.com.

Thank you.

RA

Ron Alban

Paid for by Ethics First - You Decide Ohio, Ronald C. Alban, Treasurer, 3313 Lenox Drive, Kettering, OH 45429.

Exhibit A

COUNTY	SECTIONS	SIGNATURES
Ashland	2	12
Crawford	1	2
Cuyahoga	40	1543
Franklin	1	10
Hamilton	4	39
Huron	2	17
Lorain	10	325
Montgomery	1	6
Totals	**61**	**1954**

RECEIVED
MAR 04 2016
Ohio Attorney General
Constitutional Offices Section

Petition Submitted to the Attorney General for Certification of Summary of Amendment to the Constitution to be Proposed by Initiative Petition

as required under Ohio Revised Code 3519.01(A)

RECEIVED
MAR 04 2016
Ohio Attorney General
Constitutional Offices Section

PROPOSED SUMMARY

This Amendment would add a new section 43 to Article II of the Ohio Constitution, which would provide that, in Ohio:

A. All laws that apply to the people of Ohio and its political subdivisions shall apply equally to the members and employees of the general assembly.

B. A person who becomes a former member of the general assembly after January 2, 2017, shall not personally represent another person or entity for compensation before any member or employee of the general assembly for two years after becoming a former member of the general assembly.

C. The annual compensation of members of the general assembly shall not exceed the annual median household income in Ohio, as periodically ascertained by the state auditor, except that members who serve as officers of the general assembly may receive additional annual compensation up to forty percent of the compensation they receive as members.

D. Effective January 1, 2018, all records that document the organization, functions, policies, decisions, procedures, operations, or other activities of the general assembly shall be maintained for at least four years in such manner that the records are under the direct control of the State of Ohio.

E. Taxpayers shall have standing to file a lawsuit to compel compliance with any provision of the Amendment and shall be entitled to recover their costs and reasonable attorney fees if they are successful.

F. All provisions of the Amendment shall be self-executing and severable, and shall supersede all conflicting laws.

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:

Ronald C. Alban
3313 Lenox Drive
Kettering, Ohio 45429

Timothy F. Boggs
512 Forest Street
Columbus, Ohio 43206

John F. Boyle, Jr.
32105 Woodsdale Lane
Solon, Ohio 43040

FULL TEXT OF PROPOSED AMENDMENT

Title:
The Ohio Ethics First Amendment

Be it resolved by the people of the State of Ohio that Article II, Section 43 of the Ohio Constitution be adopted and read as follows:

Article II

§ 43. Raising the Ethical Standards of the General Assembly

(A) All laws that apply to the people of this state and its political subdivisions, including laws requiring the payment of state and local taxes, shall apply equally to the members and employees of the general assembly.

(B) A former member of the general assembly, for a period of two years after becoming a former member of the general assembly, shall not personally represent another person or entity for compensation before any member or employee of the general assembly. This division shall not apply to any person who became a former member on or before January 2, 2017.

(C) The annual fixed compensation that members of the general assembly shall receive for their service as members shall not exceed the annual median household income in Ohio, which shall be ascertained by the auditor of state in January of each even-numbered year, with any adjustment to the compensation limit to take effect the following January 1. Members may receive additional annual fixed compensation for their service as officers of the general assembly, which shall not exceed forty percent of the annual fixed compensation for their service as members.

(D) All records, including electronic records, which serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the general assembly, shall be maintained in a manner such that the records are under the direct control of the State of Ohio. All such records shall be maintained for at least four years after their creation. This division shall take effect on January 1, 2018.

(E) Any taxpayer or class of taxpayers shall have standing to file a lawsuit for equitable relief to compel compliance with any provision of this section and, if successful, shall be entitled to an award of costs and reasonable attorney fees.

(F) All provisions of this section shall be self-executing and severable, and shall supersede all conflicting state and local laws.

STATEMENT OF CIRCULATOR

I, Donna Wolfe, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 3 electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by Electra Signers Inc
5670 El Camino Real Ste Carlsbad Ca 92008
(Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

I further declare under penalty of election falsification in accordance with section 3501.38 of the Revised Code that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

Donna Wolfe
(Signed)

(Address of circulator's permanent residence)

3764 US 224 E Apt 48
Number and Street, Road, or Rural Route

Greenwich OH 44837
City, State, Zip

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

MIKE DEWINE
OHIO ATTORNEY GENERAL

Administration
Office 614-466-4320
Fax 614-466-5087

30 E. Broad Street, 17th Fl
Columbus, Ohio 43215
www.OhioAttorneyGeneral.gov

March 14, 2016

Ohio Secretary of State Jon Husted
180 East Broad Street
Columbus, Ohio 43215

Re: Submitted Petition for Initiated Constitutional Amendment to Add Section 43 to Article II — "The Ohio Ethics First Amendment"

Dear Mr. Husted,

On March 4, 2016, in accordance with Ohio Revised Code ("ORC") Section 3519.01(A), I received a written petition containing (1) a copy of a proposed constitutional amendment to add Section 43 to Article II of the Ohio Constitution, and (2) a summary of the same measure.

It is my statutory duty to determine whether the submitted summary "is a fair and truthful statement of the proposed law or constitutional amendment." ORC Section 3519.01(A). If I conclude that the summary is fair and truthful, I am to certify it as such within ten days of receipt of the petition. In this instance, the tenth day falls on Monday, March 14, 2016.

Having examined the submission, I conclude that the summary is a fair and truthful statement of the proposed law. I therefore submit the following certification to you:

> Without passing upon the advisability of the approval or rejection of the measure to be referred, but pursuant to the duties imposed upon the Attorney General's Office under Section 3519.01(A) of the Ohio Revised Code, I hereby certify that the summary is a fair and truthful statement of the proposed law.

Very respectfully yours,

Mike DeWine
Ohio Attorney General

cc: Jack Christopher, Elections Counsel *(by email)*

Exhibit B

THE OHIO BALLOT BOARD

Ohio Secretary of State Jon Husted, Chair
Senator Bill Coley
Senator Nina Turner
Mr. William N. Morgan
Representative Kathleen Clyde

March 23, 2016

The Honorable Mike DeWine
Ohio Attorney General
30 East Broad Street - 17th Floor
Columbus, Ohio 43215-3428

Re: Ballot Board determination that the proposed constitutional amendment known as "The Ohio Ethics First Amendment" contains more than one constitutional amendment

Dear Attorney General DeWine:

Acting pursuant to Ohio Revised Code 3519.01(A), on March 14, 2016 you transmitted to the Secretary of State, in his capacity as chairman of the Ohio Ballot Board, the "The Ohio Ethics First Amendment" proposed constitutional amendment.

As Secretary of the Ohio Ballot Board, I hereby certify that a quorum of the board met in public session on March 23, 2016 for the purpose of examining and certifying the petition in accordance with the provisions of Ohio Revised Code 3505.062(A).

I hereby further certify that the Ohio Ballot Board determined that the proposed initiative petition contains more than one proposed constitutional amendment and pursuant to the second paragraph of Ohio Revised Code 3505.062(A), divided the initiative petition into three individual petitions, each containing only one proposed constitutional amendment as follows:

1. The first proposed amendment consists of provisions (A), (B), (E), and (F) of the full text of the proposal as submitted.

2. The second proposed amendment consists of provision (C) of the full text of the proposal as submitted.

Exhibit C

3. The third proposed amendment consists of provision (D) of the full text of the proposal as submitted.

Sincerely,

Carrie Kuruc
Secretary, Ohio Ballot Board
180 E. Broad St., 15th Floor
Columbus, Ohio 43215

(126th General Assembly)
(Amended Substitute House Bill Number 3)

AN ACT

To amend sections 131.23, 145.38, 303.12, 306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 511.34, 513.14, 519.12, 745.07, 747.11, 1901.07, 1901.10, 1901.31, 2961.01, 2967.17, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 3355.09, 3375.03, 3501.01, 3501.05, 3501.10, 3501.11, 3501.13, 3501.17, 3501.26, 3501.30, 3501.33, 3501.35, 3501.38, 3501.39, 3503.02, 3503.06, 3503.11, 3503.13, 3503.14, 3503.16, 3503.19, 3503.21, 3503.23, 3503.24, 3505.062, 3505.063, 3505.16, 3505.18, 3505.19, 3505.20, 3505.21, 3505.22, 3505.25, 3505.26, 3505.27, 3505.32, 3506.01, 3506.05, 3506.12, 3506.13, 3506.18, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.08, 3509.09, 3511.02, 3511.09, 3511.13, 3513.04, 3513.041, 3513.05, 3513.052, 3513.07, 3513.09, 3513.19, 3513.20, 3513.22, 3513.257, 3513.259, 3513.261, 3513.30, 3515.03, 3515.04, 3515.07, 3515.08, 3515.13, 3517.01, 3517.081, 3517.092, 3517.10, 3517.106, 3517.1011, 3517.12, 3517.13, 3517.153, 3519.01, 3519.03, 3519.04, 3519.05, 3523.05, 3599.11, 3599.111, 3599.13, 3599.14, 3599.21, 3599.24, 3599.38, 4113.52, 4301.33, 4301.331, 4301.332, 4301.333, 4301.334, 4305.14, 4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 5748.02, 5748.04, 5748.08, and 6119.18, to enact sections 109.95, 3501.052, 3501.19, 3501.382, 3501.90, 3503.15, 3503.28, 3503.29, 3505.181, 3505.182, 3505.183, 3506.20, 3506.21, 3506.22, 3506.23, 3515.041, 3515.072, 3519.051, and 3519.07, and to repeal section 3503.27 of the Revised Code to revise the Election Law and to terminate certain provisions of this act on January 1, 2009, by repealing section 3501.19 of the Revised Code on that date.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 131.23, 145.38, 303.12, 306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 511.34, 513.14, 519.12, 745.07, 747.11, 1901.07, 1901.10, 1901.31, 2961.01, 2967.17, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 3355.09, 3375.03, 3501.01, 3501.05, 3501.10, 3501.11, 3501.13, 3501.17, 3501.26, 3501.30, 3501.33, 3501.35, 3501.38, 3501.39, 3503.02, 3503.06, 3503.11, 3503.13, 3503.14, 3503.16, 3503.19, 3503.21, 3503.23, 3503.24, 3505.062, 3505.063, 3505.16, 3505.18, 3505.19, 3505.20, 3505.21, 3505.22, 3505.25, 3505.26, 3505.27, 3505.32, 3506.01, 3506.05, 3506.12, 3506.13, 3506.18, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.08, 3509.09, 3511.02, 3511.09, 3511.13, 3513.04, 3513.041, 3513.05, 3513.052, 3513.07, 3513.09, 3513.19, 3513.20, 3513.22, 3513.257, 3513.259, 3513.261, 3513.30, 3515.03, 3515.04, 3515.07, 3515.08, 3515.13, 3517.01, 3517.081, 3517.092, 3517.10, 3517.106, 3517.1011, 3517.12, 3517.13, 3517.153, 3519.01, 3519.03, 3519.04, 3519.05, 3523.05, 3599.11, 3599.111, 3599.13, 3599.14, 3599.21, 3599.24, 3599.38, 4113.52, 4301.33, 4301.331, 4301.332, 4301.333, 4301.334, 4305.14, 4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 5748.02, 5748.04, 5748.08, and 6119.18 be amended and sections 109.95, 3501.052, 3501.19, 3501.382, 3501.90, 3503.15, 3503.28, 3503.29, 3505.181, 3505.182, 3505.183, 3506.20, 3506.21, 3506.22, 3506.23, 3515.041, 3515.072, 3519.051, and 3519.07 of the Revised Code be enacted to read as follows:

Sec. 109.95. Notwithstanding any provision of the Revised Code to the contrary pertaining to prosecutorial authority, the attorney general may initiate criminal proceedings for election fraud under section 3599.42 of the Revised Code which results from a violation of any provision of Title XXXV of the

Exhibit D

(c) The person's permanent address;

(d) The name of each county in which the person expects to register voters;

(e) A statement that the person has registered, as required under division (C)(1) of this section, with the secretary of state;

(f) A statement that the person has completed the training program required under division (C)(2) of this section;

(g) A statement that the person will follow all applicable laws of this state while registering voters.

(D) Except as otherwise provided in division (E) of this section, each time a person who receives or expects to receive compensation for registering a voter submits a completed registration form that has been entrusted to that person to a board of elections, the person also shall submit, with the voter registration form, a copy of the affirmation signed by the person under division (C)(3) of this section. A single copy of the signed affirmation may be submitted with all voter registration forms that are returned by that person at one time.

(E) None of the following officials or employees who are registering voters in the course of the official's or employee's normal duties shall be required to comply with divisions (C) and (D) of this section:

(1) An election official;

(2) A county treasurer;

(3) A deputy registrar of motor vehicles;

(4) An employee of a designated agency;

(5) An employee of a public high school;

(6) An employee of a public vocational school;

(7) An employee of a public library;

(8) An employee of the office of a county treasurer;

(9) An employee of the bureau of motor vehicles;

(10) An employee of a deputy registrar of motor vehicles;

(11) An employee of an election official.

(F) As used in this section, "registering a voter" and "registering voters" includes any effort, for compensation, to provide voter registration forms or to assist persons in completing or returning those forms.

Sec. 3505.062. The Ohio ballot board shall do all of the following:

(A) Examine, within ten days after its receipt, each written initiative petition received from the attorney general under section 3519.01 of the Revised Code to determine whether it contains only one proposed law or constitutional amendment so as to enable the voters to vote on a proposal separately. If the board so determines, it shall certify its approval to the attorney general, who then shall file with the secretary of

state in accordance with division (A) of section 3519.01 of the Revised Code a verified copy of the proposed law or constitutional amendment together with its summary and the attorney general's certification of it.

If the board determines that the initiative petition contains more than one proposed law or constitutional amendment, the board shall divide the initiative petition into individual petitions containing only one proposed law or constitutional amendment so as to enable the voters to vote on each proposal separately and certify its approval to the attorney general. If the board so divides an initiative petition and so certifies its approval to the attorney general, the petitioners shall resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, and the attorney general then shall review the resubmissions as provided in division (A) of section 3519.01 of the Revised Code.

(B) Prescribe the ballot language for constitutional amendments proposed by the general assembly to be printed on the questions and issues ballot, which language shall properly identify the substance of the proposal to be voted upon;

~~(B)~~(C) Prepare an explanation of each constitutional amendment proposed by the general assembly, which explanation may include the purpose and effects of the proposed amendment;

~~(C)~~(D) Certify the ballot language and explanation, if any, to the secretary of state no later than ~~eighty~~ seventy-five days before the election at which the proposed question or issue is to be submitted to the voters;

~~(D)~~(E) Prepare, or designate a group of persons to prepare, arguments in support of or in opposition to a constitutional amendment proposed by a resolution of the general assembly, a constitutional amendment or state law proposed by initiative petition, or a state law, or section or item of state law, subject to a referendum petition, if the persons otherwise responsible for the preparation of those arguments fail to timely prepare and file them;

~~(E)~~(F) Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments to the voters;

~~(F)~~(G) Direct the chairperson to reimburse county boards of elections for public notice costs associated with statewide ballot issues, to the extent that the general assembly appropriates money for that purpose.

Sec. 3505.063. (A) When the general assembly adopts a resolution proposing a constitutional amendment, it may, by resolution, designate a group of members who voted in support of the resolution to prepare arguments for the proposed amendment, and a group of members who voted in opposition to the resolution to prepare arguments against the proposed amendment. If no members voted in opposition to the resolution, or if the general assembly chooses not to designate a group of members to prepare arguments for the proposed amendment or chooses not to designate a group of members to prepare arguments against the proposed amendment, the Ohio ballot board shall prepare or designate a group of persons to prepare the relevant arguments. All arguments prepared under this division shall be filed with the secretary of state ~~no~~ not later than ~~seventy-five~~ eighty days before the date of the election. No argument shall exceed three hundred words.

(B)(1) If the group of members of the general assembly or other group of persons designated under division (A) of this section fail to prepare and file their arguments in support of or in opposition to the proposed amendment by the ~~seventy-fifth~~ eightieth day before the date of the election, the secretary of state shall notify the Ohio ballot board that those arguments have not been so prepared and filed. The board then shall prepare the missing arguments or designate a group of persons to prepare those

previous calendar years, taking into consideration only owners for all of such period, one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor.

Sec. 3517.153. (A) Upon the filing of a complaint with the Ohio elections commission, which shall be made by affidavit of any person, on personal knowledge, and subject to the penalties for perjury, or upon the filing of a complaint made by the secretary of state or an official at the board of elections, setting forth a failure to comply with or a violation of any provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code, the commission shall proceed in accordance with sections 3517.154 to 3517.157 of the Revised Code.

(B) The commission shall prescribe the form for complaints made under division (A) of this section. The secretary of state and boards of elections shall furnish the information that the commission requests. The commission or a member of the commission may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and reports. Section 101.42 of the Revised Code governs the issuance of subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code.

(C) No prosecution shall commence for a violation of a provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code unless a complaint has been filed with the commission under this section and all proceedings of the commission or a panel of the commission, as appropriate, under sections 3517.154 to 3517.157 of the Revised Code are completed.

(D) The commission may recommend legislation and render advisory opinions concerning sections 3517.08, 3517.082, 3517.092, 3517.102, 3517.103, 3517.105, 3517.13, 3517.18, 3517.20 to 3517.22, 3599.03, and 3599.031 of the Revised Code for persons over whose acts it has or may have jurisdiction. When the commission renders an advisory opinion relating to a specific set of circumstances involving any of those sections stating that there is no violation of a provision in those sections, the person to whom the opinion is directed or a person who is similarly situated may reasonably rely on the opinion and is immune from criminal prosecution and a civil action, including, without limitation, a civil action for removal from public office or employment, based on facts and circumstances covered by the opinion.

(E) The commission shall establish a web site on which it shall post, at a minimum, all decisions and advisory opinions issued by the commission and copies of each election law as it is amended by the general assembly. The commission shall update the web site regularly to reflect any changes to those decisions and advisory opinions and any new decisions and advisory opinions.

Sec. 3519.01. (A) ~~Whoever~~ Only one proposal of law or constitutional amendment to be proposed by initiative petition shall be contained in an initiative petition to enable the voters to vote on that proposal separately. A petition shall include the text of any existing statute or constitutional provision that would be amended or repealed if the proposed law or constitutional amendment is adopted.

Whoever seeks to propose a law or constitutional amendment by initiative petition shall, by a written petition signed by one ~~hundred~~ thousand qualified electors, submit the proposed law or constitutional amendment and a summary of it to the attorney general for examination. Within ten days after the receipt of the written petition and the summary of it, the attorney general shall conduct an examination of the summary. If, in the opinion of the attorney general, the summary is a fair and truthful statement of the proposed law or constitutional amendment, ~~he~~ the attorney general shall so certify and then forward the

submitted petition to the Ohio ballot board for its approval under division (A) of section 3505.062 of the Revised Code. ~~A~~ If the Ohio ballot board returns the submitted petition to the attorney general with its certification as described in that division, the attorney general shall then file with the secretary of state a verified copy of the proposed law or constitutional amendment~~,~~ together with ~~the~~ its summary and the attorney general's certification~~, shall then be filed with the secretary of state~~.

Whenever the Ohio ballot board divides an initiative petition into individual petitions containing only proposed law or constitutional amendment under division (A) of section 3505.062 of the Revised Code resulting in the need for the petitioners to resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, the attorney general shall review the resubmitted summaries, within ten days after their receipt, to determine if they are a fair and truthful statement of the respective proposed laws or constitutional amendments and, if so, certify them. These resubmissions shall contain no new explanations or arguments. Then, the attorney general shall file with the secretary of state a verified copy of each of the proposed laws or constitutional amendments together with their respective summaries and the attorney general's certification of each.

(B)(1) Whoever seeks to file a referendum petition against any law, section, or item in any law shall, by a written petition signed by one ~~hundred~~ thousand qualified electors, submit the measure to be referred and a summary of it to the secretary of state and, on the same day or within one business day before or after that day, submit a copy of the petition, measure, and summary to the attorney general.

(2) Not later than ten business days after receiving the petition, measure, and summary, the secretary of state shall do both of the following:

(a) Have the validity of the signatures on the petition verified;

(b) After comparing the text of the measure to be referred with the copy of the enrolled ~~bill~~ act on file in ~~his~~ the secretary of state's office containing the law, section, or item of law, determine whether the text is correct and, if it is, so certify.

(3) Not later than ten business days after receiving a copy of the petition, measure, and summary, the attorney general shall examine the summary and, if in ~~his~~ the attorney general's opinion, the summary is a fair and truthful statement of the measure to be referred, so certify.

(C) Any person who is aggrieved by a certification decision under division (A) or (B) of this section may challenge the certification or failure to certify of the attorney general in the supreme court, which shall have exclusive, original jurisdiction in all challenges of those certification decisions.

Sec. 3519.03. (A) The committee named in a initiative petition may prepare the argument or explanation, or both, in favor of the measure proposed, and the committee named in a referendum petition may prepare the argument or explanation, or both, against any law or section or item of law. The persons who prepare the argument or explanation, or both, in opposition to the initiated proposal, or the argument or explanation, or both, in favor of the measure to be referred shall be named by the general assembly, if it is in session, or by the governor, if the general assembly is not in session. Such argument or explanation, or both, shall not exceed three hundred words and shall be filed with the secretary of state at least ~~seventy-five~~ eighty days prior to the date of the election at which the measure is to be voted upon.

(B)(1) If the committee named in an initiative petition, the committee named in a referendum petition, or other persons designated under division (A) of this section fail to prepare and file their arguments or explanations by the ~~seventy-fifth~~ eightieth day before the date of the election, the secretary of state shall notify the Ohio ballot board that those arguments or explanations have not been so prepared and filed. The board then shall prepare the missing arguments or explanations or designate a group of persons to prepare

obligated for each year by the issuance of anticipation notes, provided that the total amount maturing in any one year shall not exceed fifty per cent of the anticipated proceeds of such levy for that year. Each issue of notes shall be sold as provided in Chapter 133. of the Revised Code, and shall, except for such limitation that the total amount of such notes maturing in any one year shall not exceed fifty per cent of the anticipated proceeds of such levy for that year, mature serially in substantially equal installments during each year over a period not to exceed five years after their issuance.

SECTION 2. That existing sections 131.23, 145.38, 303.12, 306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 511.34, 513.14, 519.12, 745.07, 747.11, 1901.07, 1901.10, 1901.31, 2961.01, 2967.17, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 3355.09, 3375.03, 3501.01, 3501.05, 3501.10, 3501.11, 3501.13, 3501.17, 3501.26, 3501.30, 3501.33, 3501.35, 3501.38, 3501.39, 3503.02, 3503.06, 3503.11, 3503.13, 3503.14, 3503.16, 3503.19, 3503.21, 3503.23, 3503.24, 3505.062, 3505.063, 3505.16, 3505.18, 3505.19, 3505.20, 3505.21, 3505.22, 3505.25, 3505.26, 3505.27, 3505.32, 3506.01, 3506.05, 3506.12, 3506.13, 3506.18, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.08, 3509.09, 3511.02, 3511.09, 3511.13, 3513.04, 3513.041, 3513.05, 3513.052, 3513.07, 3513.09, 3513.19, 3513.20, 3513.22, 3513.257, 3513.259, 3513.261, 3513.30, 3515.03, 3515.04, 3515.07, 3515.08, 3515.13, 3517.01, 3517.081, 3517.092, 3517.10, 3517.106, 3517.1011, 3517.12, 3517.13, 3517.153, 3519.01, 3519.03, 3519.04, 3519.05, 3523.05, 3599.11, 3599.111, 3599.13, 3599.14, 3599.21, 3599.24, 3599.38, 4113.52, 4301.33, 4301.331, 4301.332, 4301.333, 4301.334, 4305.14, 4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 5748.02, 5748.04, 5748.08, and 6119.18 and section 3503.27 of the Revised Code are hereby repealed.

SECTION 3. Notwithstanding any provision of this act to the contrary, the amendments made to sections 131.23, 306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 511.34, 513.14, 745.07, 747.11, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 3355.09, 4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 5748.02, 5748.04, 5748.08, and 6119.18 of the Revised Code by this act that require a board of elections that operates and maintains a web site to post, on that web site, notices of certain elections for thirty days prior to the day of an election shall take effect on June 1, 2006.

SECTION 4. Notwithstanding any provision of this act to the contrary, the amendments made to sections 303.12, 519.12, 3375.03, 3501.38, 3505.18, 3513.07, 3513.09, and 3513.261 and the enactment of section 3501.382 of the Revised Code by this act that permit a disabled voter to appoint an attorney in fact and authorize an attorney in fact to sign election documents on behalf of that voter shall take effect on June 1, 2006.

SECTION 5. Notwithstanding any provision of this act to the contrary, the amendments made to sections 3501.26, 3501.30, 3501.33, 3501.35, 3505.16, 3505.25, 3505.26, 3505.27, 3505.32, 3506.12, 3506.13, 3509.06, 3515.04, 3515.13, 3523.05, and 3599.38 and the provisions enacted in sections 3501.90, 3505.183, and 3505.21 of the Revised Code by this act that permit the appointment of election observers and eliminate the appointment of election challengers and witnesses shall take effect on June 1, 2006.

SECTION 6. Notwithstanding any provision of this act to the contrary, the amendments made to sections 3501.01, 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, and 3511.09 and the provisions enacted in 3501.19, sections 3505.181, 3505.182, and 3505.183 of Revised Code by this act that require a voter to provide identification and that specify the acceptable forms of identification shall take effect on June 1, 2006.

SECTION 7. Notwithstanding any provision of this act to the contrary, the amendments made to section 3501.10 of the Revised Code establishing restrictions on the number of branch offices at which boards of elections may permit a voter to cast a ballot shall take effect on June 1, 2006.

SECTION 8. Notwithstanding any provision of this act to the contrary, the provisions enacted in section 3503.15 of the Revised Code that require the statewide voter registration database to be made available on a web site of the office of the Secretary of State shall take effect on June 1, 2006.

SECTION 9. (A) Notwithstanding any provision of this act to the contrary, the amendments made to sections 3501.05, 3503.16, 3503.19, 3503.24, 3505.18, 3505.20, 3505.22, 3509.09, 3511.13, and 3513.20 and the provisions enacted in sections 3501.19, 3503.28, 3505.181, 3505.182, and 3505.183 of the Revised Code that permit individuals to cast provisional ballots in an election or that otherwise specify election processes regarding provisional ballots shall take effect June 1, 2006.

(B) For the primary election conducted on May 2, 2006, and for any special election conducted on the day of that primary election, provisional ballots that meet the requirements of the Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat. 1666, shall be made available to voters for all elections for statewide office, county office, township office, and for all elections on questions and issues, as if the ballots for those offices, questions, or issues were ballots for an election for federal office.

(C) Notwithstanding any provision of section 3505.20, 3505.22, or 3513.20 of the Revised Code to the contrary, for the primary election conducted on May 2, 2006, provisional ballots that meet the requirements of the Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat. 1666, shall be made available to all voters for an election for federal office in the manner provided in that act.

SECTION 10. That section 3501.19 of the Revised Code, as enacted by this act, is hereby repealed effective January 1, 2009.

SECTION 11. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 3517.10 of the Revised Code as amended by both Sub. S.B. 107 and Am. Sub. S.B. 115 of the 126th General Assembly.

SECTION 12. It is the intention of the General Assembly, in enacting section 3501.052 of the Revised Code in this act, to recognize that the Secretary of State's involvement with campaigns committees, committees named in initiative and referendum petitions, and persons making disbursements for the direct costs of producing or airing electioneering communications affects the Campaign Finance Law, since the Secretary of State makes decisions regarding compliance with, and alleged violations of, the Campaign Finance Law by campaign committees, committees named in initiative and referendum petitions, and persons making disbursements for the direct costs of producing or airing electioneering communications.

SECTION 13. The amendments made to sections 3505.062, 3519.01, 3519.04, and 3519.05 by this act and the enactment of section 3519.07 of the Revised Code by this act do not affect any initiative or referendum petition already filed with the Attorney General's office pursuant to section 3519.01 of the Revised Code on the effective date of this act.

SECTION 14. The amendments made to section 3503.06 of the Revised Code are intended to clarify that Ohio law requires the circulators of initiative and referendum petitions to be residents of this state. Those amendments shall not be construed to mean that Ohio law did not prior to the effective date of this act require circulators to be residents of this state.

SECTION 15. If any item of law that constitutes the whole or part of a codified section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified sections contained in this act are composed, and their applications, are independent and severable.

Ohio Statutes

Title 35. ELECTIONS

Chapter 3519. INITIATIVE; REFERENDUM

Current through 2005 Legislative Session

§ 3519.01. Certification of initiative or referendum proposal by attorney general and secretary of state

(A) Whoever seeks to propose a law or constitutional amendment by initiative petition shall, by a written petition signed by one hundred qualified electors, submit the proposed law or constitutional amendment and a summary of it to the attorney general for examination. If in the opinion of the attorney general the summary is a fair and truthful statement of the proposed law or constitutional amendment, he shall so certify. A verified copy of the proposed law or constitutional amendment, together with the summary and the attorney general's certification, shall then be filed with the secretary of state.

(B) (1) Whoever seeks to file a referendum petition against any law, section, or item in any law shall, by a written petition signed by one hundred qualified electors, submit the measure to be referred and a summary of it to the secretary of state and, on the same day or within one business day before or after that day, submit a copy of the petition, measure, and summary to the attorney general.

(2) Not later than ten business days after receiving the petition, measure, and summary, the secretary of state shall do both of the following:

(a) Have the validity of the signatures on the petition verified;

(b) After comparing the text of the measure to be referred with the copy of the enrolled bill on file in his office containing the law, section, or item of law, determine whether the text is correct and, if it is, so certify.

(3) Not later than ten business days after receiving a copy of the petition, measure, and summary, the attorney general shall examine the summary and, if in his opinion the summary is a fair and truthful statement of the measure to be referred, so certify.

History. GC § 4785-175; 113 v 307(391), § 175; 114 v 679(708); Bureau of Code Revision, 10-1-53; 135 v S 238 (Eff 5-15-74); 143 v H 7. Eff 9-15-89.

Exhibit E

Ohio Statutes

Title 35. ELECTIONS

Chapter 3519. INITIATIVE; REFERENDUM

Current through 2006 Legislative Session

§ 3519.01. Initiative petition to contain only one proposal; certification and approval process for initiative and referendum petitions; challenges

(A) Only one proposal of law or constitutional amendment to be proposed by initiative petition shall be contained in an initiative petition to enable the voters to vote on that proposal separately. A petition shall include the text of any existing statute or constitutional provision that would be amended or repealed if the proposed law or constitutional amendment is adopted.

Whoever seeks to propose a law or constitutional amendment by initiative petition shall, by a written petition signed by one thousand qualified electors, submit the proposed law or constitutional amendment and a summary of it to the attorney general for examination. Within ten days after the receipt of the written petition and the summary of it, the attorney general shall conduct an examination of the summary. If, in the opinion of the attorney general, the summary is a fair and truthful statement of the proposed law or constitutional amendment, the attorney general shall so certify and then forward the submitted petition to the Ohio ballot board for its approval under division (A) of section 3505.062 [3505.06.2] of the Revised Code. If the Ohio ballot board returns the submitted petition to the attorney general with its certification as described in that division, the attorney general shall then file with the secretary of state a verified copy of the proposed law or constitutional amendment together with its summary and the attorney general's certification.

Whenever the Ohio ballot board divides an initiative petition into individual petitions containing only proposed law or constitutional amendment under division (A) of section 3505.062 [3505.06.2] of the Revised Code resulting in the need for the petitioners to resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, the attorney general shall review the resubmitted summaries, within ten days after their receipt, to determine if they are a fair and truthful statement of the respective proposed laws or constitutional amendments and, if so, certify them. These resubmissions shall contain no new explanations or arguments. Then, the attorney general shall file with the secretary of state a verified copy of each of the proposed laws or constitutional amendments together with their respective summaries and the attorney general's certification of each.

(B) (1) Whoever seeks to file a referendum petition against any law, section, or item in any law shall, by a written petition signed by one thousand qualified electors, submit the measure to be referred and a summary of it to the secretary of state and, on the same day or within one business day before or after that day, submit a copy of the petition, measure, and summary to the attorney general.

(2) Not later than ten business days after receiving the petition, measure, and summary, the secretary of state shall do both of the following:

(a) Have the validity of the signatures on the petition verified;

(b) After comparing the text of the measure to be referred with the copy of the enrolled act on file in the secretary of state's office containing the law, section, or item of law, determine whether the text is correct and, if it is, so certify.

(3) Not later than ten business days after receiving a copy of the petition, measure, and summary, the attorney general shall examine the summary and, if in the attorney general's opinion, the summary is a fair and truthful statement of the measure to be referred, so certify.

(C) Any person who is aggrieved by a certification decision under division (A) or (B) of this section may challenge the certification or failure to certify of the attorney general in the supreme court, which shall have exclusive, original jurisdiction in all challenges of those certification decisions.

History. GC § 4785-175; 113 v 307(391), § 175; 114 v 679(708); Bureau of Code Revision, 10-1-53; 135 v S 238 (Eff 5-15-74); 143 v H 7. Eff 9-15-89; 151 v H 3, § 1, eff. 5-2-06.

Exhibit F

Ohio Statutes

Title 35. ELECTIONS

Chapter 3519. INITIATIVE; REFERENDUM

Current with legislation signed by the Governor and effective as of 2/14/2016

§ 3519.01. Initiative and referendum petitions

(A)

Only one proposal of law or constitutional amendment to be proposed by initiative petition shall be contained in an initiative petition to enable the voters to vote on that proposal separately. A petition shall include the text of any existing statute or constitutional provision that would be amended or repealed if the proposed law or constitutional amendment is adopted.

Whoever seeks to propose a law or constitutional amendment by initiative petition shall, by a written petition signed by one thousand qualified electors, submit the proposed law or constitutional amendment and a summary of it to the attorney general for examination. Within ten days after the receipt of the written petition and the summary of it, the attorney general shall conduct an examination of the summary. If, in the opinion of the attorney general, the summary is a fair and truthful statement of the proposed law or constitutional amendment, the attorney general shall so certify and then forward the submitted petition to the Ohio ballot board for its approval under division (A) of section 3505.062 of the Revised Code. If the Ohio ballot board returns the submitted petition to the attorney general with its certification as described in that division, the attorney general shall then file with the secretary of state a verified copy of the proposed law or constitutional amendment together with its summary and the attorney general's certification.

Whenever the Ohio ballot board divides an initiative petition into individual petitions containing only proposed law or constitutional amendment under division (A) of section 3505.062 of the Revised Code resulting in the need for the petitioners to resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, the attorney general shall review the resubmitted summaries, within ten days after their receipt, to determine if they are a fair and truthful statement of the respective proposed laws or constitutional amendments and, if so, certify them. These resubmissions shall contain no new explanations or arguments. Then, the attorney general shall file with the secretary of state a verified copy of each of the proposed laws or constitutional amendments together with their respective summaries and the attorney general's certification of each.

(B)

(1)

Whoever seeks to file a referendum petition against any law, section, or item in any law shall, by a written petition signed by one thousand qualified electors, submit the measure to be referred and a summary of it to the secretary of state and, on the same day or within one business day before or after that day, submit a copy of the petition, measure, and summary to the attorney general.

(2)

Not later than ten business days after receiving the petition, measure, and summary, the secretary of state shall do both of the following:

(a)

Have the validity of the signatures on the petition verified;

(b)

After comparing the text of the measure to be referred with the copy of the enrolled act on file in the secretary of state's office containing the law, section, or item of law, determine whether the text is correct and, if it is, so certify.

(3)

Not later than ten business days after receiving a copy of the petition, measure, and summary, the attorney general shall examine the summary and, if in the attorney general's opinion, the summary is a fair and truthful statement of the measure to be referred, so certify.

(C)

Any person who is aggrieved by a certification decision under division (A) or (B) of this section may challenge the certification or failure to certify of the attorney general in the supreme court, which shall have exclusive, original jurisdiction in all challenges of those certification decisions.

Cite as R.C. § 3519.01

History. Amended by 129th General AssemblyFile No.105, SB 295, §1, eff. 8/15/2012.

Amended by 129th General AssemblyFile No.40, HB 194, §1 Made subject to referendum in the Nov. 6, 2012 election. The version of this section thus amended was repealed by 129th General AssemblyFile No.105, SB

Exhibit G

295, §1, eff. 8/15/2012.

Effective Date: 09-15-1989; 05-02-2006

Exhibit F

R.C. § 3505.062

Baldwin's Ohio Revised Code Annotated Currentness

Title XXXV. Elections

Chapter 3505. General and Special Elections—Ballots; Voting (Refs & Annos)

Ballots

3505.062 Duties of board

The Ohio ballot board shall do all of the following:

(A) Prescribe the ballot language for constitutional amendments proposed by the general assembly to be printed on the questions and issues ballot, which language shall properly identify the substance of the proposal to be voted upon;

(B) Prepare an explanation of each constitutional amendment proposed by the general assembly, which explanation may include the purpose and effects of the proposed amendment;

(C) Certify the ballot language and explanation, if any, to the secretary of state no later than eighty days before the election at which the proposed question or issue is to be submitted to the voters;

(D) Prepare, or designate a group of persons to prepare, arguments in support of or in opposition to a constitutional amendment proposed by a resolution of the general assembly, a constitutional amendment or state law proposed by initiative petition, or a state law, or section or item of state law, subject to a referendum petition, if the persons otherwise responsible for the preparation of those arguments fail to timely prepare and file them;

(E) Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments to the voters;

(F) Direct the chairperson to reimburse county boards of elections for public notice costs associated with statewide ballot issues, to the extent that the general assembly appropriates money for that purpose.

(2002 H 445, eff. 12-23-02; 1995 S 162, eff. 10-29-95; 1980 H 1062, eff. 3-23-81; 1974 H 1477)

CROSS REFERENCES

Constitutional amendments proposed by general assembly, ballot language by Ohio ballot board, O Const Art XVI §1

Initiative and referendum petition requirements and preparation, submission, ballot; language by Ohio ballot board, O Const Art II §1g

LIBRARY REFERENCES

Elections 54.

Westlaw Topic No. 144.

C.J.S. Elections § 54 et seq.

RESEARCH REFERENCES

Encyclopedias

OH Jur. 3d Constitutional Law § 16, Establishment and Functions of Ballot Board.

Exhibit H

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R.C. § 3505.062

Baldwin's Ohio Revised Code Annotated Currentness

Title XXXV. Elections

Chapter 3505. General and Special Elections—Ballots; Voting (Refs & Annos)

Ballots

3505.062 Duties of board (later effective date)

<Note: See also preceding version of this section, in effect until 5-2-06.>

The Ohio ballot board shall do all of the following:

(A) Examine, within ten days after its receipt, each written initiative petition received from the attorney general under section 3519.01 of the Revised Code to determine whether it contains only one proposed law or constitutional amendment so as to enable the voters to vote on a proposal separately. If the board so determines, it shall certify its approval to the attorney general, who then shall file with the secretary of state in accordance with division (A) of section 3519.01 of the Revised Code a verified copy of the proposed law or constitutional amendment together with its summary and the attorney general's certification of it.

If the board determines that the initiative petition contains more than one proposed law or constitutional amendment, the board shall divide the initiative petition into individual petitions containing only one proposed law or constitutional amendment so as to enable the voters to vote on each proposal separately and certify its approval to the attorney general. If the board so divides an initiative petition and so certifies its approval to the attorney general, the petitioners shall resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, and the attorney general then shall review the resubmissions as provided in division (A) of section 3519.01 of the Revised Code.

(B) Prescribe the ballot language for constitutional amendments proposed by the general assembly to be printed on the questions and issues ballot, which language shall properly identify the substance of the proposal to be voted upon;

(C) Prepare an explanation of each constitutional amendment proposed by the general assembly, which explanation may include the purpose and effects of the proposed amendment;

(D) Certify the ballot language and explanation, if any, to the secretary of state no later than seventy-five days before the election at which the proposed question or issue is to be submitted to the voters;

(E) Prepare, or designate a group of persons to prepare, arguments in support of or in opposition to a constitutional amendment proposed by a resolution of the general assembly, a constitutional amendment or state law proposed by initiative petition, or a state law, or section or item of state law, subject to a referendum petition, if the persons otherwise responsible for the preparation of those arguments fail to timely prepare and file them;

(F) Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments to the voters;

(G) Direct the chairperson to reimburse county boards of elections for public notice costs associated with statewide ballot issues, to the extent that the general assembly appropriates money for that purpose.

(2006 H 3, eff. 5-2-06; 2002 H 445, eff. 12-23-02; 1995 S 162, eff. 10-29-95; 1980 H 1062, eff. 3-23-81; 1974 H 1477)

<Note: See also preceding version of this section, in effect until 5-2-06.>

UNCODIFIED LAW

Exhibit I

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2006 H 3, § 13, eff. 5-2-06, reads:

The amendments made to sections **3505.062**, 3519.01, 3519.04, and 3519.05 by this act and the enactment of section 3519.07 of the Revised Code by this act do not affect any initiative or referendum petition already filed with the Attorney General's office pursuant to section 3519.01 of the Revised Code on the effective date of this act.

CROSS REFERENCES

Constitutional amendments proposed by general assembly, ballot language by Ohio ballot board, O Const Art XVI §1
Initiative and referendum petition requirements and preparation, submission, ballot; language by Ohio ballot board, O Const Art II §1g
Restrictions on contents of initiative petition, attorney general's approval of petition required, duties of secretary of state regarding petitions, challenge of certification decisions, 3519.01

LIBRARY REFERENCES

Elections 54.
Westlaw Topic No. 144.
C.J.S. Elections § 54 et seq.

RESEARCH REFERENCES

Encyclopedias

OH Jur. 3d Constitutional Law § 16, Establishment and Functions of Ballot Board.

NOTES OF DECISIONS

In general 1

1. In general

Proposed ballot language describing proposed amendment to O Const Art II §35, is invalid. State ex rel. Bailey v. Celebrezze (Ohio 1981) 67 Ohio St.2d 516, 426 N.E.2d 493, 21 O.O.3d 463.

Current through 2006 File 74 of the 126th GA (2005-2006)) apv. by 3/1/06, and filed with the Secretary of State by 3/1/06.

End of Document

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Ohio Statutes

Title 35. ELECTIONS

Chapter 3505. GENERAL AND SPECIAL ELECTION BALLOTS

Current with legislation signed by the Governor and effective as of 2/14/2016

§ 3505.062. Ohio ballot board duties

The Ohio ballot board shall do all of the following:

(A)

Examine, within ten days after its receipt, each written initiative petition received from the attorney general under section 3519.01 of the Revised Code to determine whether it contains only one proposed law or constitutional amendment so as to enable the voters to vote on a proposal separately. If the board so determines, it shall certify its approval to the attorney general, who then shall file with the secretary of state in accordance with division (A) of section 3519.01 of the Revised Code a verified copy of the proposed law or constitutional amendment together with its summary and the attorney general's certification of it.

If the board determines that the initiative petition contains more than one proposed law or constitutional amendment, the board shall divide the initiative petition into individual petitions containing only one proposed law or constitutional amendment so as to enable the voters to vote on each proposal separately and certify its approval to the attorney general. If the board so divides an initiative petition and so certifies its approval to the attorney general, the petitioners shall resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, and the attorney general then shall review the resubmissions as provided in division (A) of section 3519.01 of the Revised Code.

(B)

Prescribe the ballot language for constitutional amendments proposed by the general assembly to be printed on the questions and issues ballot, which language shall properly identify the substance of the proposal to be voted upon;

(C)

Prepare an explanation of each constitutional amendment proposed by the general assembly, which explanation may include the purpose and effects of the proposed amendment;

(D)

Certify the ballot language and explanation, if any, to the secretary of state no later than seventy-five days before the election at which the proposed question or issue is to be submitted to the voters;

(E)

Prepare, or designate a group of persons to prepare, arguments in support of or in opposition to a constitutional amendment proposed by a resolution of the general assembly, a constitutional amendment or state law proposed by initiative petition, or a state law, or section or item of state law, subject to a referendum petition, if the persons otherwise responsible for the preparation of those arguments fail to timely prepare and file them;

(F)

Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments, proposed laws, and referenda to the voters;

(G)

Direct the secretary of state to contract for the publication in a newspaper of general circulation in each county in the state of the ballot language, explanations, and arguments regarding each of the following:

(1)

A constitutional amendment or law proposed by initiative petition under Section 1g of Article II of the Ohio Constitution;

(2)

A law, section, or item of law submitted to the electors by referendum petition under Section 1g of Article II of the Ohio Constitution;

(3)

A constitutional amendment submitted to the electors by the general assembly under Section 1 of Article XVI of the Ohio Constitution.

Cite as R.C. § 3505.062

History. Effective Date: 2002 HB445 12-23-2002; 05-02-2006; 2007 HB119 09-29-2007

Exhibit J