

**IN THE SUPREME COURT OF OHIO**

**ETHICS FIRST – YOU DECIDE OHIO  
POLITICAL ACTION COMMITTEE, et al.**

*Relators,*

v.

**R. MICHAEL DEWINE,  
OHIO ATTORNEY GENERAL**

*Respondent.*

:  
:  
:  
: Case No. 2016-0464  
:  
: Original Action for a  
: Writ of Mandamus  
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**RESPONDENT’S RESPONSE IN OPPOSITION TO MOTION TO EXPEDITE**

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CURT C. HARTMAN (0064242)  
The Law Firm of Curt C. Hartman  
7394 Ridgpoint Drive, Suite 8  
Cincinnati, Ohio 45230  
Tel: 513-752-2878  
hartmanlawfirm@fuse.net

*Counsel for Relators*

MICHAEL DEWINE (0009181)  
Ohio Attorney General

JORDAN S. BERMAN (0093075)\*  
*\*Counsel of Record*

Assistant Attorney General  
STEVEN T. VOIGT (0092879)  
Senior Assistant Attorney General  
KEVIN C. HULICK (0093921)  
Assistant Attorney General  
Constitutional Offices Section  
30 East Broad Street, 16th Floor  
Columbus, Ohio 43215  
Tel: 614-466-2872 | Fax: 614-728-7592  
jordan.berman@ohioattorneygeneral.gov  
steven.voigt@ohioattorneygeneral.gov  
kevin.hulick@ohioattorneygeneral.gov

*Counsel for Respondent R. Michael DeWine,  
Ohio Attorney General*

**IN THE SUPREME COURT OF OHIO**

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	:
<i>Respondent.</i>	:

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**RESPONDENT’S RESPONSE IN OPPOSITION TO MOTION TO EXPEDITE**

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**I. INTRODUCTION**

Relators’ motion to expedite consideration of this case schedule should be denied. This is not an extraordinary circumstance that requires a fast-track, but rather a situation in which Relators could have filed this same challenge months or even years ago.

Relators’ sole claim is a constitutional challenge to statutory changes made to the initiative petition process ten years ago. Relators’ Mtn. at p. 1 (“This original action challenges the constitutionality [of] the changes made in 2006.”) Relators do not assert that the Attorney General has in any way failed to comply with the current law with regard to their March 4, 2016 petition. Relators could have brought their sole claim when they first formed their political action committee or even when they began gathering signatures.

Two of the three individual Relators could have brought this challenge when they submitted previous initiative petitions, one last year and one in 2009. Both petitions were subject to the same Ballot Board approval process now at issue.

Instead, Relators waited to file until after those previous two petitions were certified; after all of their signatures for the current petition were collected; after the local boards of elections counted all of the submitted signatures; after the Attorney General's Office reviewed their summary and proposed amendment; and after the Ballot Board convened and issued a decision on their petition. Relators' own delay is not an extraordinary cause that would justify an expedited resolution by this Court.

Accordingly, the Attorney General respectfully requests that the Court deny Relators' motion for expedited consideration, and consider this matter on the standard track under the Court's rules.

## **II. STATEMENT OF FACTS**

Relators are the supporters of a proposed constitutional amendment that would affect the members of the General Assembly, including a revision to the method by which members' compensation is fixed. On March 4, 2016, Relators submitted their proposed amendment and summary to the Attorney General. After completing his statutory review, the Attorney General sent the proposed initiative to the Ohio Ballot Board on March 14, 2016 in accordance with R.C. 3519.01(A). On March 23, 2016, the Board convened as required by R.C. 3505.062 to discuss whether "the initiative petition contains more than one proposed law or constitutional amendment[.]" No petitioner or representative of petitioners appeared before the board to explain the reasoning behind the petition. The Board decided that the initiative petition in fact contained three proposed constitutional amendments and separated it accordingly so that petitioners could submit three separate summaries.

After that decision, Relators filed this action to declare “those statutory provisions (R.C. § 3519.01 and R.C. § 3505.062) are null and void” and remove the Ballot Board’s role in the initiative petition process. Compl. ¶ 29, 47-48.

### **III. ARGUMENT**

A relator is obligated to act with “diligence in pursuing [a] protest [of an] initiative petition.” *State ex rel. The Ryant Committee v. Lorain County Board of Elections*, 86 Ohio St.3d 107, 712 N.E.2d 696 (1999). In fact, when a relator does not act with diligence, the Supreme Court routinely denies the writ. *Id.* at 114 (dismissing complaint for writ of prohibition based on laches).

In *State ex. rel. City of Chillicothe v. Ross County Board of Elections*, 123 Ohio St.3d 439, 2009-Ohio-5523, 917 N.E.2d 263, for example, the Supreme Court dismissed a mandamus action challenging an initiative based on the relator’s failure to act “with the requisite diligence.” *Id.* at ¶ 18. The Court found that the relator had “no legitimate excuse for its prolonged periods of delay in this case,” noting that the relator “did not need to wait for certification of the petition to file its protest.” *Id.* at ¶ 10.

Similarly here, Relators did not need to wait for the Ballot Board’s decision on their initiative petition in order to bring their constitutional challenge to R.C. 3519.01 and R.C. 3505.062. Rather, Relators could have alleged their constitutional challenge to the power of the Ballot Board months or even years ago. Where in *Chillicothe*, a delay of just months or even days was enough to *dismiss* a writ, certainly a belated challenge to a ten-year old statute is enough to deny Relators’ request for a fast-track. Relators could have brought their challenge when they first formed their petition committee or first collected signatures.

In addition, at least two of the three individual Relators were aware of the Ballot Board process and could have brought this challenge years ago. Relator Alban and Relator Boyle served on a committee that proposed an initiative petition entitled “The Ohio Estate Elimination Tax Act” on September 2, 2009. *See* Exhibit A. Those same two Relators later submitted a petition entitled “Strengthening Term Limits on State Legislators” in August 2015. *See* Exhibit B. Both of Relator’s previous initiatives were subject to the same Ballot Board review process that Relators now attempt to challenge on an emergency basis.

The only case relied on by Relators, *State ex. rel. Ohio Liberty Council v. Brunner*, 125 Ohio St. 3d 315, 2010-Ohio-1845, 928 N.E.2d 410, is distinguishable. In that case, the Court granted an expedited briefing schedule to address whether the ballot board improperly divided a proposed constitutional amendment into separate parts for the ballot. *Id.* at ¶ 26 (noting that the relators seek “to compel the ballot board to certify its approval of the single proposed amendment as written and certify its approval to the attorney general”). The Court specifically declined to address the relators’ alternate claim “that the ballot board lacks constitutional authority to divide a citizen-initiated proposed amendment[.]” *Id.* at ¶ 58.

In contrast, Relators here are not asking the board to comply with the statutes—they are asking the Court to strike down the statutes. Accordingly, this challenge to the statutes’ constitutionality could have been brought years ago as a declaratory judgment action: “Constitutional challenges to legislation are generally resolved in an action in a common pleas court rather than in an extraordinary writ action filed here.” *Rammage v. Saros*, 97 Ohio St.3d 430, 2002-Ohio-6669, 780 N.E.2d 278, ¶ 11, *citing State ex rel. Gaydosh v. Twinsburg*, 93 Ohio St.3d 576, 579, 757 N.E.2d 357 (2001); *see also State ex rel. Crobaugh v. White*, 91 Ohio St.3d 470, 472, 746 N.E.2d 1120 (2001), *quoting State ex rel. Grendell v. Davidson*, 86 Ohio St.3d

629, 635, 716 N.E.2d 704 (1999) (“[C]onstitutional challenges to legislation are normally considered in an action in a court of common pleas rather than an extraordinary writ action filed here”).<sup>1</sup> In addition, Relators will not suffer a constitutional detriment if the Court declines to expedite this case. Contrary to Relators’ assertion that “the viability of Relators’ effort is seriously threatened in light of the delay that continues to occur,” Relator’s Br. at p. 3, even if Relators somehow fail to gather enough signatures for the November 2016 election, they will still be entitled to continue gathering signatures for a future election. Ohio Constitution, Art. II, Section 1a (“When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary of state . . . the secretary of state shall submit for the approval or rejection of the electors, the proposed amendment . . . at the next succeeding regular or general election[.]”).

This Court has held that an expedited schedule, where unnecessary, is prejudicial to the State. *See Blankenship v. Blackwell*, 103 Ohio St.3d 567, 2004-Ohio-5596, ¶ 27, 32 (dismissing writ based on laches). The *Blankenship* Court held that the relators’ delay, which caused the mandamus action to bump from a normal schedule to an expedited election schedule, “prejudiced the Secretary of State” by constricting the Secretary’s “time to defend against relators’ claims.” *Id.* It would be unfair here to constrict the time for the State to defend the challenged statutes, particularly because Relators delayed bringing their case.

As Relators themselves chose not to file to file until this late date, they cannot now successfully request expedited relief.

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<sup>1</sup> In light of these cases and similar authority, Respondent also questions whether Relators properly filed this case as an action in this Court for extraordinary relief.

#### IV. CONCLUSION

For the foregoing reasons, Attorney General DeWine respectfully requests that this Court deny Relators' motion to expedite this case.

Respectfully submitted,

MICHAEL DEWINE (0009181)  
Ohio Attorney General

*/s/ Jordan S. Berman*

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JORDAN S. BERMAN (0093075)\*

*\*Counsel of Record*

Assistant Attorney General

STEVEN T. VOIGT (0092879)

Senior Assistant Attorney General

KEVIN C. HULICK (0093921)

Assistant Attorney General

Constitutional Offices Section

30 East Broad Street, 16th Floor

Columbus, Ohio 43215

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

[jordan.berman@ohioattorneygeneral.gov](mailto:jordan.berman@ohioattorneygeneral.gov)

[steven.voigt@ohioattorneygeneral.gov](mailto:steven.voigt@ohioattorneygeneral.gov)

[kevin.hulick@ohioattorneygeneral.gov](mailto:kevin.hulick@ohioattorneygeneral.gov)

*Counsel for Respondent*

*R. Michael DeWine, Ohio Attorney General*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served by first class mail via the U.S. Postal Service on April 1, 2016, upon the following:

CURT C. HARTMAN (0064242)  
The Law Firm of Curt C. Hartman  
7394 Ridgepoint Drive, Suite 8  
Cincinnati, Ohio 45230

*Counsel for Relators*

*/s/ Jordan S. Berman*

---

JORDAN S. BERMAN (0093075)  
Assistant Attorney General

**John F. Boyle, Jr.**  
32105 Woodsdale Lane  
Solon, Ohio 44139  
440-552-2017

*HAND DELIVERED*

September 2, 2009

Hon. Richard Cordray  
Ohio Attorney General  
State Office Tower  
30 E. Broad Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215

ATTORNEY GENERALS OFFICE

SEP 02 2009

RECEIVED  
CONSTITUTIONAL OFFICES

Dear Attorney General Cordray:

Pursuant to R.C. 3519.01, please find enclosed (i) an Initial Petition consisting of 252 part-petitions containing 2,010 signatures of purported qualified Ohio electors, (ii) the full text of a law (entitled "The Ohio Estate Tax Elimination Act"), and (iii) a proposed summary of the law for your examination and certification.

The Committee to Represent the Petitioners requests a summary tally sheet be provided to its members that shows the number of signatures submitted to each county board of election for verification and the number of signatures that each county board of election verified.

Please direct all correspondence related to the Petition to the members of the Committee to Represent the Petitioners:

Ronald C. Alban	3313 Lenox Drive, Kettering, Ohio 45429
John F. Boyle, Jr.	32105 Woodsdale Lane, Solon, Ohio 44139
Jonathan E. Petrea	6493 Maplewood Drive #202, Mayfield Heights, Ohio 44124

Sincerely,



John F. Boyle, Jr.

enclosures

**PROPOSED SUMMARY OF  
LAW TO BE PROPOSED BY INITIATIVE PETITION FIRST TO BE SUBMITTED TO  
THE GENERAL ASSEMBLY**

**(Submitted to Attorney General Pursuant to R.C. 3519.01)**

The law proposed by this Initiative Petition entitled the Ohio Estate Tax Elimination Act (hereinafter "the Act") would eliminate the Ohio taxes levied upon the transfer of the estate of decedents dying on or after December 31, 2012. The Act specifically adds the following provisions:

- (1) Section 5731.01(G), which defines the Ohio Estate Tax;
- (2) Section 5731.02(C), which causes the Ohio Estate Tax on residents of Ohio to expire on December 31, 2012 and not be replaced before or after December 31, 2012 by any other law that constitutes an Ohio Estate Tax;
- (3) and Section 5731.19(D), which causes the Ohio Estate Tax on non-residents to expire on December 31, 2012 and not be replaced before or after December 31, 2012 by any other law that constitutes an Ohio Estate Tax.

**FULL TEXT OF  
LAW TO BE PROPOSED BY INITIATIVE PETITION FIRST TO BE SUBMITTED TO  
THE GENERAL ASSEMBLY**

(Submitted to Attorney General Pursuant to R.C. 3519.01)

Be it enacted by the people of the state of Ohio:

That sections 5731.01, 5731.02, and 5731.19 of the Revised Code be amended to read as follows:

**Sec. 5731.01. Definitions**

As used in this chapter:

(A) The “value of the gross estate” of the decedent shall include, to the extent provided in sections 5731.03 to 5731.131 of the Revised Code, the value, on the date of the decedent's death or on an alternate valuation date prescribed by division (D) of this section, of all property, real or personal, tangible or intangible, wherever situated, except real property situated and tangible personal property having an actual situs outside of this state.

(B) Subject to the provisions of section 5731.011 of the Revised Code that permit a valuation of qualified farm property at its value for its actual qualified use, the value of any property included in the gross estate shall be the price at which such property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts. All relevant facts and elements of value as of the valuation date shall be considered in determining such value.

The rulings and regulations of the internal revenue service and decisions of the federal courts defining the principles applicable in determining fair market value for purposes of the federal estate tax imposed by Subchapter A, Chapter 11 of the Internal Revenue Code shall be applied in determining fair market value for purposes of the estate taxes imposed by this chapter, to the extent that these rulings, regulations, and decisions are not inconsistent with the express provisions of this chapter, but the actual determination of the fair market value by the internal revenue service of any asset included in the gross estate is not controlling for purposes of the estate taxes imposed by this chapter, unless the person filing the estate tax return and the tax commissioner have agreed in writing to be bound by the federal determination, as provided in section 5731.26 of the Revised Code.

(C) In the case of stock and securities of a corporation the value of which, by reason of their not being listed on an exchange and by reason of the absence of sales of them, cannot be determined with reference to bid and asked prices, or with reference to sales prices, the value of them shall be determined by taking into consideration, in addition to all other factors, the value of stock or securities of corporations engaged in the same or a similar line of business which are listed on an exchange or which are traded actively in the over-the-counter market.

If a valuation of securities is undertaken by reference to market transactions and if the block of securities to be valued is so large in relation to actual sales on existing markets that it could not be liquidated in a reasonable time without depressing the market, the price at which the block could be sold, as such, outside the usual market, as through an underwriter, shall be considered in determining the value of such block of securities.

(D) "Alternate valuation date" means the date for valuation of a gross estate permitted by filing an election under this division. Whether or not an alternate valuation date election is available to an estate for federal estate tax purposes or, if available, is made for the estate, the value of the gross estate may be determined, if the person required to file the estate tax return so elects, by valuing all the property included in the gross estate on the alternate date, if any, provided in section 2032 (a) of the Internal Revenue Code as such section generally applies, for federal estate tax purposes, to the estates of persons dying on the decedent's date of death.

No deduction under this chapter of any item shall be allowed if allowance is, in effect, given by use of the alternate valuation date. In the determination of any tax liability of any estate in which an election is filed under this division, all provisions in this chapter that refer to value at the time of the decedent's death shall be construed for all purposes to mean the value of such property used in determining the value of the gross estate. For the purposes of the charitable deduction under section 5731.17 of the Revised Code, any bequest, legacy, devise, or transfer enumerated in it shall be valued as of the date of the decedent's death with adjustment for any difference in value, not due to mere lapse of time or the occurrence or nonoccurrence of a contingency, of the property as of the date six months after the decedent's death, or in case of its earlier disposition, on such date of disposition.

An election under this division shall be exercised on the estate tax return by the person required to file the return. When made, an election under this division is irrevocable. An election cannot be exercised under this division if a return is filed more than one year after the time prescribed, including any extensions of time granted, pursuant to law for filing the return.

(E) Unless otherwise indicated by the context, "county" means one of the following:

- (1) The county in which the decedent's estate is administered;
- (2) If no administration of the decedent's estate is being had, the county of residence of the decedent at the time of death;
- (3) If the decedent dies a resident of another state, any county in which any property subject to tax is located.

(F) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

**(G) "Estate Tax" means a monetary charge imposed by the government of the state of Ohio on the transfer, occurring at the same time as and as a result of the death of an individual,**

**of any property, real or personal, tangible or intangible, wherever situated, owned by a decedent on the date of the decedent's death.**

\* \* \*

**Sec. 5731.02. Estate Taxes; rates**

(A) A tax is hereby levied on the transfer of the taxable estate, determined as provided in section 5731.14 of the Revised Code, of every person dying on or after July 1, 1968, who at the time of death was a resident of this state, as follows:

If the taxable estate is:	The tax shall be:
Not over \$40,000	2% of the taxable estate
Over \$40,000 but not over \$100,000	\$800 plus 3% of the excess over \$40,000
Over \$100,000 but not over \$200,000	\$2,600 plus 4% of the excess over \$100,000
Over \$200,000 but not over \$300,000	\$6,600 plus 5% of the excess over \$200,000
Over \$300,000 but not over \$500,000	\$11,600 plus 6% of the excess over \$300,000
Over \$500,000	\$23,600 plus 7% of the excess over \$500,000.

(B) A credit shall be allowed against the tax imposed by division (A) of this section equal to the lesser of five hundred dollars or the amount of the tax for persons dying on or after July 1, 1968, but before January 1, 2001; the lesser of six thousand six hundred dollars or the amount of the tax for persons dying on or after January 1, 2001, but before January 1, 2002; or the lesser of thirteen thousand nine hundred dollars or the amount of the tax for persons dying on or after January 1, 2002.

**(C) This section shall expire on December 31, 2012 and shall not be replaced, before or after that date, with any other law that constitutes an Estate Tax, as defined in Section 5371.01(G).**

\* \* \*

**Sec. 5731.19. Nonresident estate tax**

(A) A tax is hereby levied upon the transfer of so much of the taxable estate of every person dying on or after July 1, 1968, who, at the time of his death, was not a resident of this state, as

consists of real property situated in this state, tangible personal property having an actual situs in this state, and intangible personal property employed in carrying on a business within this state unless exempted from tax under the provisions of section 5731.34 of the Revised Code.

(B) The amount of the tax on such real and tangible personal property shall be determined as follows:

(1) Determine the amount of tax which would be payable under Chapter 5731. of the Revised Code if the decedent had died a resident of this state with all his property situated or located within this state;

(2) Multiply the tax so determined by a fraction, the denominator of which shall be the value of the gross estate wherever situated and the numerator of which shall be the said gross estate value of the real property situated and the tangible personal property having an actual situs in this state and intangible personal property employed in carrying on a business within this state and not exempted from tax under section 5731.34 of the Revised Code. The product shall be the amount of tax payable to this state.

(C) In addition to the tax levied by division (A) of this section, an additional tax is hereby levied on such real and tangible personal property determined as follows:

(1) Determine the amount of tax which would be payable under division (A) of section 5731.18 of the Revised Code, if the decedent had died a resident of this state with all his property situated or located within this state;

(2) Multiply the tax so determined by a fraction, the denominator of which shall be the value of the gross estate wherever situated and the numerator of which shall be the said gross estate value of the real property situated and the tangible property having an actual situs in this state and intangible personal property employed in carrying on a business within this state and not exempted from tax under section 5731.34 of the Revised Code. The product so derived shall be credited with the amount of the tax determined under division (B) of this section.

**(D) This section shall expire on December 31, 2012 and shall not be replaced, before or after that date, with any other law that constitutes an Estate Tax, as defined in Section 5371.01(G).**

\* \* \*



## 1851 CENTER FOR CONSTITUTIONAL LAW

August 28, 2015

*HAND DELIVERED*

Hon. Mike DeWine  
Ohio Attorney General  
State Office Tower  
30 E. Broad Street, 17th Floor  
Columbus, Ohio 43215

**RECEIVED**

AUG 28 2015

Ohio Attorney General  
Constitutional Offices Section

Attorney General DeWine:

Pursuant to R.C. 3519.01, please find enclosed (1) an Initial Petition consisting of 153 part-petitions containing 1,742 signatures of purported qualified Ohio electors, (2) the full text of a proposed amendment to the Ohio Constitution (entitled "Strengthening Term Limits on State Legislators"), and (3) a proposed summary of the law for your examination and certification.

The Committee to Represent the Petitioners requests to be provided with a summary tally sheet that shows the number of signatures submitted to each county board of election for verification and the number of signatures that each county board of election verified.

Please direct all correspondence related to the Petition to the members of the Committee to Represent the Petitioners:

*Raymond E. Warrick*  
5466 Grand Legacy Drive  
Maineville, OH 45039

*Ronald C. Alban*  
3313 Lenox Drive  
Kettering, Ohio 45429

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

And also to their legal counsel:

Maurice A. Thompson  
1851 Center for Constitutional Law  
208 E. State St.  
Columbus, Ohio 43215

Respectfully submitted,

Maurice A. Thompson (0078548)  
1851 Center for Constitutional Law  
208 E. State St.  
Columbus, Ohio 43215  
Tel: (614) 340-9817  
MThompson@OhioConstitution.org

**Exhibit A**

**Text of Proposed Constitutional Amendment, to be Section 43, Article II, of the Ohio Constitution:**

**ARTICLE II**

**Strengthening Term Limits on State Legislators**

**Section 43 (A)** No person shall hold any combination of elected legislative offices for greater than twelve years.

**Section 43 (B)** No person shall hold the same elected legislative office for greater than eight years.

**Section 43 (C)** No person shall hold an elected legislative office if the term limits in Divisions (A) and (B) of this Amendment would forbid that person from completing the full term for that office.

**Section 43 (D)** This Section shall not be construed to (1) permit any person to serve greater than eight years in either the House of Representatives or the Senate; or (2) apply retroactively.

**Section 43 (E)** No other provision of the Ohio Constitution shall impair the limits contained herein.

**Section 43 (F)** This Amendment shall take effect on January 1 of the year subsequent to its approval.

**RECEIVED**

AUG 28 2015

Ohio Attorney General  
Constitutional Offices Section

**Exhibit B**

**Text of Proposed Summary of Constitutional Amendment:**

SUMMARY

To add Section 43 to Article II of the Constitution of the State of Ohio

The proposed amendment would provide that, in Ohio:

1. No person shall hold any combination of elected legislative offices for greater than twelve years.
2. No person shall hold the same elected legislative office for greater than eight years.
3. No person shall hold an elected legislative office if the term limits in this Amendment would forbid that person from completing the full term for that office.
4. No other provision of the Ohio Constitution shall impair the limits contained in this Section.

The proposed amendment would not:

1. Increase the number of consecutive terms by which a person may hold any legislative office.
2. Apply to past legislative terms served.



Issued to: Patricia Zastrow  
(name of circulator)

County: Adams

## INITIATIVE PETITION

Amendment to the Constitution

Proposed by Initiative Petition

To be submitted directly to the electors

### Amendment

Title: To Strengthen Term Limits on State Legislators

#### SUMMARY

To add Section 43 to Article II of the Constitution of the State of Ohio

The proposed amendment would provide that, in Ohio:

1. No person shall hold any combination of elected legislative offices for greater than twelve years.
2. No person shall hold the same elected legislative office for greater than eight years.
3. No person shall hold an elected legislative office if the term limits in this Amendment would forbid that person from completing the full term for that office.
4. No other provision of the Ohio Constitution shall impair the limits contained in this Section.

The proposed amendment would not:

1. Increase the number of consecutive terms by which a person may hold any legislative office.
2. Apply to past legislative terms served.

#### CERTIFICATION OF THE ATTORNEY GENERAL

This Certification of the Attorney General, pursuant to R.C. 3519.0(A), will be inserted when it is provided. This initial petition must be submitted with at least one thousand (1,000) valid signatures of Ohio electors before the Attorney General will issue that certification.

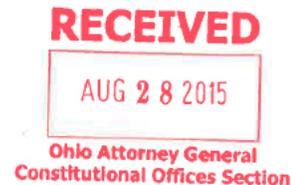
#### COMMITTEE TO REPRESENT THE PETITIONERS

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

Raymond E. Warrick  
5466 Grand Legacy Drive  
Maineville, OH 45039

Ronald C. Alban  
3313 Lenox Drive  
Kettering, Ohio 45429

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



## **FULL TEXT OF 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**

#### **Strengthening Term Limits on State Legislators**

**Section 43 (A)** No person shall hold any combination of elected legislative offices for greater than twelve years.

**Section 43 (B)** No person shall hold the same elected legislative office for greater than eight years.

**Section 43 (C)** No person shall hold an elected legislative office if the term limits in Divisions (A) and (B) of this Amendment would forbid that person from completing the full term for that office.

**Section 43 (D)** This Section shall not be construed to (1) permit any person to serve greater than eight years in either the House of Representatives or the Senate; or (2) apply retroactively.

**Section 43 (E)** No other provision of the Ohio Constitution shall impair the limits contained herein.

**Section 43 (F)** This Amendment shall take effect on January 1 of the year subsequent to its approval.

**STATEMENT OF CIRCULATOR**

I, Patricia Zastrow, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 1 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 Scott Tillman 5388 Mildred Ave S.E. Kentwood, MI 49508 (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.

(Signed) Patricia Zastrow

(Address of circulator's permanent residence) 1379 Beaver Rd  
(Number and Street)

Kawkawlin, MI 48631  
(City, State and Zip Code)

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