



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

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March 9, 2012

VIA U.S. MAIL & ELECTRONIC MAIL

Jennifer Stack
3205 Middleboro Way
Dublin, Ohio 43017
Info@FreedomOhio.com

Re: **Submitted Proposed Initiated Constitutional Amendment
to repeal and replace Section 11 of Article XV of the Ohio Constitution,
The Freedom to Marriage and Religious Freedom Amendment**

Dear Jennifer:

In accordance with the provisions of Section 3519.01(A) of the Ohio Revised Code, a written petition bearing a copy of a proposed initiated constitutional amendment to Article XV of the Ohio Constitution was submitted to this office for examination, together with a summary of that proposed amendment, on March 1, 2012.

It is my statutory duty to determine whether the submitted summary of the proposed amendment “is a fair and truthful statement of the proposed law or constitutional amendment.” *Id.* If the summary is fair and truthful, then I am to “so certify and then forward the submitted petition to the Ohio ballot board for its approval.” *Id.* I must also verify with county boards of election that signatures accompanying the petition total at least 1,000 registered voters. By statute, I am required to perform these duties within ten days of receiving the petition. In this case, because the tenth day falls on Sunday, March 11, 2012, the deadline for certification is Monday, March 12, 2012.

After reviewing the submission, I conclude that I am unable to certify the summary as a fair and truthful statement of the proposed constitutional amendment for three reasons. First, the summary is longer than the text of the amendment. The Ohio Supreme Court has expressly rejected a summary that was longer than the amendment the summary purported to summarize because it did not meet the “spirit and purpose of the statute.” *State ex rel. Hubbell v. Bettman*, 124 Ohio St. 24, 176 N.E. 664 (1931) (“There would manifestly be no point to having a summary... unless the summary is just what the definition of that term expresses...”). Second, the summary states that the amendment retains the rights contained in “Section 11 of Article XV for political subdivisions to not recognize a legal status for relationships of unmarried individuals.” However, the text of the amendment does not indicate that political subdivisions would retain these rights. Third, the summary states that the amendment retains “the portions of Title 31 that codifies this Amendment.” However, the text of the amendment does not contain any reference to Title 31.

Please note that a tally sheet of verified signatures per county is enclosed for your review.

Very respectfully yours,



Mike DeWine
Ohio Attorney General

Enclosure: Tally Sheet of Signatures by County

cc: Betsy Luper Schuster, General Counsel, Secretary of State (*by email*),

Committee to Represent the Petitioners:

Andrew J. Murphy
786 Eddystone Avenue
Columbus, Ohio 43224

Julie A. Driscoll
1217 Mulford Road
Columbus, Ohio 43212

Ben T. Deuschle
766 Silverleaf Oak Court
Westerville, Ohio 43081

Kasey R. VanBuskirk
435 Eldridge Avenue
Columbus, Ohio 43203

**Freedom to Marriage & Religious Freedom Amendment
Signatures by County**

County	Part Petitions	Valid Signatures	Invalid Signatures
Allen County Board of Elections	1	0	1
Ashtabula County Board of Elections	3	4	0
Athens County Board of Elections	1	0	1
Butler County Board of Elections	3	2	1
Clermont County Board of Elections	1	11	23
Crawford County Board of Elections	1	1	0
Cuyahoga County Board of Elections	9	105	50
Delaware County Board of Elections	9	51	3
Erie County Board of Elections	1	1	0
Fairfield County Board of Elections	5	5	2
Fayette County Board of Elections	1	1	0
Franklin County Board of Elections	43	524	123
Fulton County Board of Elections	1	8	1
Geauga County Board of Elections	2	3	0
Hamilton County Board of Elections	4	7	3
Hancock County Board of Elections	2	3	5
Henry County Board of Elections	2	1	2
Hocking County Board of Elections	1	2	0
Huron County Board of Elections	1	0	1
Knox County Board of Elections	1	1	0
Lake County Board of Elections	1	1	0
Lawrence County Board of Elections	1	1	0
Licking County Board of Elections	7	7	1
Lorain County Board of Elections	1	1	0
Lucas County Board of Elections	11	276	270
Madison County Board of Elections	2	2	0
Miami County Board of Elections	1	1	0

Freedom to Marriage & Religious Freedom Amendment Signatures by County			
County	Part Petitions	Valid Signatures	Invalid Signatures
Muskingum County Board of Elections	1	1	0
Noble County Board of Elections	1	1	0
Ottawa County Board of Elections	1	1	0
Portage County Board of Elections	3	16	7
Putnam County Board of Elections	1	1	1
Ross County Board of Elections	1	1	0
Sandusky County Board of Elections	1	3	4
Seneca County Board of Elections	1	6	0
Stark County Board of Elections	2	8	2
Summit County Board of Elections	6	59	35
Trumbull County Board of Elections	3	4	0
Union County Board of Elections	1	1	0
Van Wert County Board of Elections	1	2	2
Warren County Board of Elections	3	5	0
Wayne County Board of Elections	1	1	0
Wood County Board of Elections	5	75	35
TOTALS:	148	1204	573