



MIKE DEWINE

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February 26, 2016

Mark Erik Elias
Perkins Coie
700 13th St. NW, Ste. 600
Washington, D.C. 20005-3960

Re: Submitted Petition for Initiated Constitutional Amendment to Add
Section 10 to Article V — “Ohio Motor Voter Automatic Registration”

Dear Mr. Elias,

In accordance with the provisions of Ohio Revised Code (“ORC”) Section 3519.01(A), on February 16, 2016, I received a written petition proposing to add Section 10 to Article V of the Ohio Constitution and a summary of the proposed amendment. One of my statutory duties as Attorney General is to send all of the part-petitions to the appropriate county boards of elections for signature verification. At least 1,000 signatures already have been verified by the county boards.

Pursuant to ORC Section 3519.01(A), I must examine the summary and determine whether it is a fair and truthful statement of the proposed amendment. If I conclude that the summary is fair and truthful, I must certify that fact to the Secretary of State within ten days of receiving it. In this instance, the tenth day falls on Friday, February 26, 2016.

The Ohio Supreme Court has defined “summary” relative to an initiated petition as “a short, concise summing up,” which properly advises potential signers of a proposed measure’s character and purport. *State ex rel. Hubbell v. Bettman*, 124 Ohio St. 24 (1931). After reviewing the submission, I have concluded that I am unable to certify your summary as a fair and truthful representation of the proposed amendment.

While the summary states that the amendment will register citizens “who are eligible to vote in Ohio,” the amendment text itself applies prospectively to register any person “who will be eligible to vote in the next statewide primary or general election[.]” This distinction may mislead potential signers as to who would be registered to vote as a result of the amendment. For example, a 16-year-old who obtains a learner’s permit after this year’s primary would be eligible to vote at the next statewide primary election in 2018 so long as she would be 18 years old by November of that year. The amendment can be read to direct the Bureau of Motor Vehicles to automatically register that 16-year-old to vote. This is a materially different impact than that explained by the summary, which would only register those persons currently eligible to vote. Additionally, while the summary includes an explanation of changes to state law, this provision may represent an additional change. *See* ORC Section 3503.07 (allowing registration

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of those who, among other requirements, "will be of the age of eighteen years or more at the next ensuing November election").

For this reason, I am unable to certify the summary as a fair and truthful statement of the proposed amendment. However, I must caution that this is not intended to be an exhaustive list of all defects in the submitted summary.

Very respectfully yours,



Mike DeWine
Ohio Attorney General

cc: Committee to Represent the Petitioners

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