



MIKE DEWINE

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May 2, 2013

Via regular U.S. Mail

Henry L. Johnson III
3577 Countryview Dr.
Canal Winchester, Ohio 43110

RE: Proposed Initiated Constitutional Amendment Submitted by Coalition to Return Prayer to Our Public Schools

Dear Henry,

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 add a "Return Prayer to Our Public Schools" amendment to the state Constitution was submitted to this office for examination, together with a summary of that proposed amendment, on April 22, 2013.

By statute, I am required to review the summary of the proposed amendment within ten days of receiving the petition. In this instance, the tenth day falls on May 2, 2013. After reviewing the submission, I conclude that I am unable to certify your summary because it does not comply with the statutory requirements set forth in Sections 3501.38, 3519.01, and 3519.05 of the Ohio Revised Code. There are two different problems with the proposal as submitted to my office: (1) the individual part-petitions signed by various individuals are not properly labeled to contain both the text of a proposed amendment and separately a summary of that amendment; and (2) the individual part-petitions do not contain the signature of a circulator, signed under penalty of election falsification attesting to witnessing the number of individuals the circulator saw sign the part-petitions. Any one of these deficiencies is a fatal error that requires me to reject the submission.

As previously noted, by statute, the part-petitions that are signed by individual electors must be properly labeled to identify both the text of the summary of the proposed amendment and the text of the amendment. R.C. 3519.01(B)(1) and 3519.05; see also *Schaller v. Rogers*, 10th Dist. No. 08AP-591, 2008-Ohio-4464. It must also include the language of the summary under the summary section and the language of the amendment under the amendment section. The petition forms you submitted do not contain summary language under the summary portion of the petition and the text of the amendment under the amendment portion of the petition. Because the part-petitions do not contain both the language of the proposed amendment and its proposed summary, I cannot certify the summary language.

Finally, the petitions submitted do not contain the signature of the individual or individuals who circulated each petition swearing to the number of individuals he or she witnessed signing the petition as required by Section 3519.05 of the Ohio Revised Code. Each part-petition submitted must contain the certification of its circulator attesting under penalty of election falsification that the circulator witnessed the signatures. According to that statute, the following language is mandatory:

"I, _____, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of _____ 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 [3501.38.2] 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 _____ (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.)

“(Signed) _____
(Address of circulator’s permanent residence in this state)

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

Since the part-petitions submitted to my office did not contain this statement, signed and completed by the circulator of each part-petition, I cannot certify the summary language submitted to my office.

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

Very respectfully yours,



Mike DeWine
Ohio Attorney General

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

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