



DAVE YOST

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June 2, 2023

Via regular U.S. Mail and E-mail

Kyle Pierce
972 Ridenour Road
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director@oceqi.org

Re: Submitted Petition for Initiated Constitutional Amendment to Add Article I, Section 22 of the Ohio Constitution– “Protecting Ohioans’ Constitutional Rights”

Dear Mr. Pierce,

On May 24, 2023, in accordance with Ohio Revised Code Section 3519.01(A), I received a written petition containing (1) a copy of a proposed constitutional amendment, and (2) a summary of the same measure. 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. With all of the county boards of elections reporting back, at least 1,000 signatures have been verified.

It is also my statutory duty to determine whether the submitted summary is a “fair and truthful statement of the proposed law or constitutional amendment.” R.C. 3519.01(A). 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). 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 June 2, 2023.

Having reviewed the submission, I am unable to certify the summary as a fair and truthful representation of the proposed amendment. During our review of the summary, we identified omissions and misstatements that, as a whole, would mislead a potential signer as to the actual scope and effect of the proposed amendment.

For example, the summary materially misleads a potential signer with respect to the scope of the abrogation of immunities, specifically its application to the State. A potential signer would likely read the summary and misbelieve that the proposed amendment only abrogates legal immunities for political subdivisions and not the State as well. The summary’s failure to fairly and truthfully set forth the actual scope of this abrogation is a fatal, material misstatement of the proposed amendment.

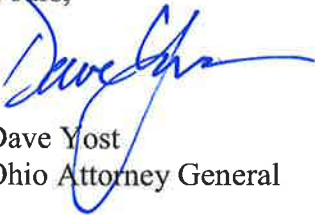
Additionally, the summary misstates the proposed amendment with respect to the termination of a government employee. Specifically, it materially misstates the claims the proposed amendment

creates, which only regards “deprivation of any rights, privileges or immunities secured pursuant to the Constitution of Ohio,” and not the violation of a right under Ohio laws. A potential signer would likely read the summary and misbelieve that the proposed amendment provides for the termination of employment for individuals that violated Ohio law or the Ohio Constitution, rather than only the Ohio Constitution.

Finally, the summary is also materially confusing, vague, and contradictory regarding the proposed amendment’s impact on the award of a prevailing plaintiff’s “reasonable attorney fees.”

The above instances are a just a few examples of the summary’s omissions and misstatements. Without reaching the balance of the summary, and consistent with my past determinations, I am unable to certify the summary as a fair and truthful statement of the proposed amendment.

Yours,

A handwritten signature in blue ink, appearing to read "Dave Yost", with a stylized flourish extending from the end.

Dave Yost
Ohio Attorney General

cc: Committee Representing the Petitioners

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