



DAVE YOST

OHIO ATTORNEY GENERAL

Administration
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December 5, 2019

Via regular U.S. Mail and E-mail

J. Corey Colombo
McTigue & Colombo LLC
545 East Town St.
Columbus, Ohio 43215
ccolombo@electionlawgroup.com

Re: Submitted Petition for Initiated Constitutional Amendment to Add Article XV, Section 12a to the Ohio Constitution— “The Nursing Facility Patients’ Bill of Rights”

Dear Mr. Colombo,

On November 25, 2019, in accordance with the provisions of the Ohio Revised Code (“ORC”) Section 3519.01(A), I received a written petition containing (1) a copy of a proposed constitutional amendment to add Article XV, Section 12a to the Ohio Constitution, 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 the county boards of elections reporting back, at least 1,000 signatures have been verified.

It is my statutory duty to determine whether the submitted summary is a “fair and truthful statement of the proposed law or constitutional amendment.” ORC Section 3519.01(A). 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 Thursday, December 5, 2019.

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.

The proposed amendment contains an extensive recitation of the findings and declarations made by “[t]he People of the State of Ohio” at Section (B). The summary states that “[t]he Amendment contains certain declarations and findings that are relevant to the Amendment.” It is significant to ask voters to make factual findings at the ballot box. Yet, the summary fails altogether to inform potential signers and voters of the factual findings they are being asked to make. This omission is especially egregious because, in the event the proposed amendment passes, these findings will be enshrined in the Ohio Constitution and could carry significant legal weight. As written, the summary fails to inform signers what factual findings they are elevating to a constitutional standard.

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For this reason, I am unable to certify the summary as a fair and truthful statement of the proposed amendment.

Yours,



Dave Yost
Ohio Attorney General

cc: Committee to Represent the Petitioners

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