

IN THE SUPREME COURT OF OHIO

State of Ohio *ex rel.* William Dudley

6389 Pinehurst Ln.
Mason, OH 45040

State of Ohio *ex rel.* Terence Brennan

6219 Orchard Ln.
Cincinnati, OH 45213

State of Ohio *ex rel.* Michael Harrison

4185 Ledge Water Dr.
Mogadore, OH 44260

State of Ohio *ex rel.* Pamela Simmons

2581 E. 5th Ave.
Columbus, OH 43219

and

State of Ohio *ex rel.* Deidra Reese

5882 Warner Meadows Dr.
Westerville, OH 43081

Relators,

v.

**Dave Yost, in his official capacity as Ohio
Attorney General**

30 E. Broad St., 16th Floor
Columbus, OH 43215

Respondent.

Case No. _____

Original Action in Mandamus and Under
Section 3519.01(C) of the Ohio Revised
Code

Peremptory and Alternative Writs
Requested

**VERIFIED COMPLAINT FOR WRIT OF MANDAMUS AND RELIEF UNDER
SECTION 3159.01(C) OF THE OHIO REVISED CODE**

Donald J. McTigue (0022849)
Counsel of Record
McTIGUE & COLOMBO, LLC
545 East Town Street
Columbus, OH 43215
(614) 263-7000
dmctigue@electionlawgroup.com

Dave Yost (0056290)
OHIO ATTORNEY GENERAL
30 E. Broad Street, 16th Floor
Columbus, OH 43215
(614) 466-2872

Counsel for Respondent

Ben Stafford**
ELIAS LAW GROUP LLP
1700 Seventh Ave., Suite 2100
Seattle, WA 98101
(206) 656-0176
bstafford@elias.law

Jyoti Jasrasaria**
Qizhou Ge**
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW, Suite 400
Washington, DC 20001
(202) 968-4490
jjasrasaria@elias.law
age@elias.law

**Applications for admission *pro hac vice*
forthcoming

Counsel for Relators

This original action in mandamus and under Revised Code Section 3519.01(C) is brought in the name of the State of Ohio on the relation of William Dudley, Terence Brennan, Michael Harrison, Pamela Simmons, and Deidra Reese (collectively, “Relators”). For the reasons stated below, Relators request that the Court issue a peremptory or other writ of mandamus or other order under Revised Code Section 3519.01 directing Respondent to certify the summary of Relators’ proposed amendment.

INTRODUCTION

1. Relators seek to propose a voting rights-related constitutional amendment by initiative petition entitled the “Ohio Voters Bill of Rights.” They have already submitted two substantially similar versions of their proposed constitutional amendment and its corresponding summary to the Attorney General, by written petition signed by more than one thousand qualified electors. Section 3519.01(A) of the Ohio Revised Code requires the Attorney General to conduct an examination of the summary within ten days and to certify the summary and forward the petition to the Ohio Ballot Board if the Attorney General finds that “the summary is a fair and truthful statement of the proposed . . . constitutional amendment.”

2. Attorney General Yost himself has recognized the limited statutory authority of Attorneys General in the petition process, writing in a letter certifying a different petition summary last year that “my role is limited to determining whether the wording of the summary properly advises potential petition signers. . . . [A]ttorneys general [are] required by a narrow law to make a decision about the truthfulness of a summary” and are “constrained by duty to rule upon a narrow question”—whether the summary is fair and truthful. Verification of Donald J. McTigue (“McTigue Verification”), Ex. 6.

3. The Attorney General nonetheless strayed beyond that “narrow question” here. On January 25, 2024, without citing a single deficiency in the summary itself, the Attorney General

failed to certify Relators' second summary. Instead, the Attorney General objected to the *title* of the amendment. However, the Attorney General has no statutory authority to review the title. *See id.*; R.C. 3519.05. Accordingly, and given that the Attorney General's single ten-day window to review the summary has now passed, Relators request that the Court issue a writ of mandamus and/or other relief under Revised Code Section 3519.01(C) directing the Attorney General to certify the summary.

NATURE OF THE ACTION AND JURISDICTION

4. This is an original action commenced under Article IV, Section 2(B)(1)(b) of the Ohio Constitution and Chapter 3519 of the Ohio Revised Code.

5. Before the process of proposing a constitutional amendment by initiative petition to voters can begin, proponents must submit a written petition signed by one thousand qualified electors to the Attorney General for examination. The petition must contain the proposed constitutional amendment and a summary of it.

6. The Attorney General has limited and specific authority to review the petition at this stage of the process. The plain text of Section 3519.01(A) of the Revised Code is clear that the Attorney General is tasked only with examining whether the "summary is a fair and truthful statement of the proposed law or constitutional amendment," and that he must complete his examination within ten days. If the summary meets that standard, the Attorney General must certify it. The Attorney General has no authority to reject a proposed constitutional amendment for any other reason. In particular, the Attorney General does not have authority to review the *title* of a proposed amendment, which is a statutory requirement separate from the summary and not even required at this stage of the petition process. R.C. 3519.05. And he certainly does not have the authority to refuse to certify the ballot summary because of his objections to the title.

7. Here, by only identifying alleged issues with the title, and not identifying any

deficiencies with the summary within the mandated ten-day review period, the Attorney General *de facto* approved the summary itself and is not statutorily entitled to another opportunity to review and identify any additional deficiencies in the summary. Even if the Attorney General had the authority to review the title, his objection to the title is an improper finding because the submitted title is fair and truthful both factually and legally. Accordingly, Relators seek a writ of mandamus and/or other order directing Respondent Dave Yost, in his official capacity as Attorney General, to certify the summary of the proposed amendment.

8. This Court has jurisdiction over this action under Article IV, Section 2(B)(1)(b), which gives the Court original jurisdiction in mandamus actions, and under Revised Code Section 3159.01(C), which gives the Court original and exclusive jurisdiction in “all challenges of [] certification decisions” of the Attorney General.

9. Relators affirmatively allege that they have acted with the utmost diligence, that there has been no unreasonable delay or lapse of time in asserting their rights, and that there is no prejudice to Respondent. The Attorney General sent a letter rejecting the petition because the title was allegedly misleading on January 25, 2024, and this action is being filed on February 1, 2024, a week later.

PARTIES

10. Relators William Dudley, Terence Brennan, Michael Harrison, Pamela Simmons, and Deidra Reese are residents and qualified electors of the State of Ohio who support the Amendment and intend to vote and organize in its favor. They are also each members of the Committee Representing the Petitioners with Respect to the Initiative Petition Proposing an Amendment to the Ohio Constitution Entitled the “Ohio Voters Bill of Rights.” *McTigue Verification*, Exs. 1–5.

11. Relators are injured by the Attorney General’s failure to certify the summary of the

proposed amendment based on the title, both as Ohio electors and taxpayers and as Ohio citizens who are organizing in favor of the amendment. *Id.*

12. Respondent Dave Yost is named in his official capacity as Ohio Attorney General. He is charged under Revised Code Section 3519.01(A) with examining the summary of any proposed constitutional amendment within ten days of receipt and, if the summary is fair and truthful, certifying that summary and forwarding the petition to the Ballot Board.

LEGAL FRAMEWORK

13. The Ohio Revised Code establishes the Attorney General's limited role in reviewing and certifying the summary for proposed constitutional amendments.

14. Section 3519.01(A) of the Ohio Revised Code requires the Attorney General to "conduct an examination of the summary" of the proposed amendment and, if the summary is a "fair and truthful statement" of the proposed amendment, "certify and then forward the submitted petition to the Ohio ballot board for its approval." The Attorney General has ten days from receipt of the petition and summary to review the summary and certify. R.C. 3519.01(A).

15. Section 3519.01(A) does not authorize the Attorney General to examine the title. Indeed, proponents of a ballot measure are not required to include a title until a later stage of the petition process. Specifically, a title is not required until after a petition is prepared for circulation once the Ballot Board determines whether a petition certified by the attorney general constitutes a single measure. R.C. 3519.05.

16. Section 3519.05 of the Ohio Revised Code establishes that the title and summary are separate statutory requirements. The Revised Code does not provide the Attorney General with any authority to review the title.

17. Nor does the Revised Code allow the Attorney General to continue examining the summary after ten days from receipt of the written petition have passed. R.C. 3519.01(A).

18. In other words, the Revised Code does not grant the Attorney General any discretion to venture outside the summary for his examination, to treat the title as part of the summary, to base his decision to certify on anything other than his review of the summary, or to defer his examination of any part of the summary until after his single ten-day review period has passed.

FACTS

19. On December 19, 2023, Ohio citizens submitted to Attorney General Dave Yost a written petition including the text of a proposed constitutional amendment entitled “Secure and Fair Elections,” a summary, and part-petitions bearing the signatures of more than a thousand qualified electors. McTigue Verification, Ex. 7–8.

20. Attorney General Yost responded on December 28, 2023, in a letter that identified certain perceived omissions and misstatements that led him to conclude that he could not certify the summary as a fair and truthful statement of the proposed amendment. As characterized by Attorney General Yost, this initial version of the proposed amendment’s summary contained the following deficiencies: (1) the summary’s use of the term “specified process” to refer to the verification of voter identity was misleading because there are different processes for requesting an absentee ballot, voting by absentee ballot, and voting in person by signed declaration, and the summary failed to explain in detail the different requirements for verification based on the voter’s method of casting their ballot; (2) the summary’s description of the types of “person” to which the amendment applies was incomplete and misleading; and (3) the summary omitted the words “immediately” and “afforded due process” from the description of issues with absentee ballot applications or absentee ballot envelopes. McTigue Verification, Ex. 9.

21. In addition to identifying the above deficiencies in the ballot summary, the Attorney General objected that the title “Secure and Fair Elections” did not fairly or truthfully summarize

or describe the contents of the proposed amendment. McTigue Verification, Ex. 9. Attorney General Yost's December 28, 2023, letter was the first time, based on the historical records on the Attorney General's website, that an Attorney General examined the title of a petition and identified it as a reason for declining to certify the summary of a proposed amendment. McTigue Verification ¶ 14.

22. Relators addressed and resolved all issues identified in Attorney General Yost's December 28, 2023, letter and resubmitted the summary petition to Attorney General Yost on January 16, 2024, including the text of a proposed constitutional amendment, a summary, and part-petitions bearing the signatures of more than a thousand qualified electors. The revised summary sets forth the "specified processes" for the verification of voter identity in detail rather than summarizing them, includes the complete definition of "person," and adds the words "immediately" and "afforded due process" to the applicable section on issues with absentee ballot applications or absentee ballot envelopes. McTigue Verification, Ex. 10–11.

23. Moreover, although the Attorney General does not have authority to review the ballot title under Section 3519.01, which Relators pointed out in their resubmission of the measure, they nonetheless changed the title of their own volition in an attempt to avoid further delay in the petition process. McTigue Verification, Ex. 10–11. As a result, the summary petition as submitted to the Attorney General on January 16, 2024, now bears the title the "Ohio Voters Bill of Rights."

24. The second submission also contains some minor substantive revisions in the proposed amendment, which were reflected in the summary. McTigue Verification, Ex. 10–11. The January 16, 2024, submission is otherwise substantively identical to the December 19, 2023, submission which was reviewed by the Attorney General on December 28, 2023.

25. Attorney General Yost responded to the second submission on January 25, 2024,

again failing to certify the summary. *McTigue Verification*, Ex. 12. In his rejection letter, however, he did not identify any way in which the *summary* failed to provide a fair and truthful statement of the proposed amendment. Rather, the Attorney General explained, he refused to certify the summary because he took issue with the *title*. According to Attorney General Yost, the title “Ohio Voters Bill of Rights” does not fairly or truthfully summarize or describe the proposed amendment because it does not reflect the common understanding of a “Bill of Rights.” *McTigue Verification*, Ex. 12. In his view, a bill of rights cannot include descriptions of specific election processes as set out in the proposed amendment.

26. Attorney General Yost’s rejection letter acknowledged that the Attorney General’s Office had previously certified petitions with similar titles like the “Nursing Facility Patients’ Bill of Rights” in 2021 and the “Ohio Voters Bill of Rights” in 2014. Nevertheless, he stated that those titles were not dispositive because the Attorney General’s Office had not examined the titles in those instances. *McTigue Verification*, Ex. 12.

27. Attorney General Yost cited no authority that the title is an element of a petition’s summary. He identified no instance where the Attorney General had ever refused to certify a ballot summary due to purported deficiencies with the proposed title. He offered no counterargument to the case authority cited in the resubmission letter. Attorney General Yost’s January 25, 2024, letter raised no deficiencies related to the *summary* of the proposed amendment. *McTigue Verification*, Ex. 12. Thus, Attorney General Yost failed to certify the summary as fair and truthful without articulating any reason the summary was not fair and truthful, despite representing that he “reviewed the renewed submission” within ten days.

COUNT I –MANDAMUS AND/OR OTHER ORDER UNDER R.C. 3519.01
Against the Attorney General in his Official Capacity

28. Relators restate and incorporate by reference all prior paragraphs as though fully set forth in this paragraph.

29. Section 3519.01(A) of the Ohio Revised Code specifies the limited role of the Attorney General in certifying the summary of a proposed constitutional amendment. Within ten days after the proponent of a constitutional amendment by initiative petition submits the proposed amendment and its summary to the attorney general, “the attorney general shall conduct an examination of the summary.” R.C. 3519.01(A). If the summary is a “fair and truthful statement” of the proposed constitutional amendment, “the attorney general shall so certify and then forward the submitted petition to the Ohio ballot board for its approval.” *Id.*

30. The plain text of Section 3519.01(A) is clear that the authority of the Attorney General is limited to examining the summary of the proposed amendment within ten days, and “[w]here the language of a statute is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to the rules of statutory interpretation. . . . An unambiguous statute is to be applied, not interpreted.” *Sears v. Weimer*, 143 Ohio St. 312, 316, 55 N.E.2d 413 (1944). Courts give words in the statute “their plain and ordinary meaning” “[u]nless words are otherwise defined or a contrary intent is clearly expressed.” *Schaller v. Rogers*, 10th Dist. Franklin No. 08AP–591, 2008-Ohio-4464, ¶ 17, quoting *Cincinnati Metro. Hous. Auth. v. Morgan*, 104 Ohio St.3d 445, 2004–Ohio–6554, 820 N.E.2d 315, ¶ 6.

31. Attorney General Yost himself has recognized that he does not have discretion to review the contents or substance of the petition outside of his statutorily-prescribed role. In his March 2, 2023, letter certifying the summary for “The Right to Reproductive Freedom with Protections for Health and Safety Amendment” petition, he wrote, “It is my statutory duty to

determine whether the submitted summary is a ‘fair and truthful statement of the proposed constitutional amendment.’ R.C. 3519.01(A). That is, my role is limited to determining whether the wording of the summary properly advises potential petition signers of a measure’s material components. . . . I cannot base my determination on the wisdom or folly of a proposed amendment as a matter of public policy.” *McTigue Verification*, Ex. 6. Recognizing the limits to decision-making by elected officials, Attorney General Yost noted that “attorneys general [are] required by a narrow law to make a decision about the truthfulness of a summary” and are “constrained by duty to rule upon a narrow question”—whether the summary is fair and truthful. *Id.*

32. Section 3519.01(A) of the Ohio Revised Code does not authorize the attorney general to review the title of the proposed constitutional amendment, which is not even required to be printed on the petition at the pre-certification stage.

33. Consistent with the statute’s plain language, the Attorney General has historically reviewed only the summary and, until Attorney General Yost’s December 28, 2023, letter, has not reviewed the title. *McTigue Verification* ¶ 14.

34. Moreover, Section 3519.05 of the Ohio Revised Code and Article II, Section 1g of the Ohio Constitution set forth the form requirements for an initiative petition, as opposed to a summary petition under Revised Code Section 3519.01, which include that the initiative petition include both a summary and a title. R.C. 3519.05; Ohio Constitution, Article II, Section 1g. And the Secretary of State is ultimately responsible for prescribing the title that appears on the ballot, which need not be the same as that which appears on either the summary petition or the initiative petition. *See* R.C. 3519.05 (requiring petition to print “the certification of the attorney general, under proper date”).

35. Because the Attorney General does not have a statutorily-prescribed role over the

title, he lacks authority to review the title. He also lacks any authority or discretion to refuse to certify a petition on that basis. *See State ex rel. Barren v. Brown*, 51 Ohio St.2d 169, 170, 365 N.E.2d 887 (1977) (“Under [R.C. 3519.01(A)], the authority of the Attorney General is limited to whether the summary is fair and truthful. If he determines that it is, he is directed to so certify.”).

36. Because the only purported deficiencies the Attorney General identified in his January 25, 2024, letter related to the title of the petition, and because the Attorney General must complete his review of the summary within ten days, he implicitly approved the summary of the proposed amendment. *McTigue Verification*, Ex. 12.

37. The Attorney General’s rejection letter of the original summary on December 28, 2023, identified several deficiencies related to the first submission of the summary of the amendment, including the summary’s use of the term “specified process” to refer to the verification of voter identity, the summary’s description of the types of “person” to which the amendment applies, and the omission of the words “immediately” and “afforded due process” from the summary’s description of issues with absentee ballot applications or absentee ballot envelopes. *McTigue Verification*, Ex. 9.

38. Relators addressed these deficiencies in their second submission, and the Attorney General’s January 25, 2024, letter acknowledged that he had “reviewed the renewed submission,” did not indicate that the revisions petitioners made failed to sufficiently address the issues he raised, but did not cite any new deficiencies related to the summary. Because the Attorney General’s only identified deficiencies are related to the title of the petition—which has nothing to do with his evaluation of whether the proposed summary is fair and truthful—it is implicit that he approved the summary and must now issue the certification required by Revised Code 3519.01. *See State ex rel. Barren*, 51 Ohio St.2d at 170–71, 365 N.E.2d 887 (“Since [the Attorney General’s]

only reason for refusing certification is that the matters may not be subject to referendum,” which is an issue “not involved in the Attorney General’s honest and impartial evaluation of whether the proposed summary is a ‘fair and truthful statement,’” “it is implicit that, in [the Attorney General’s] opinion, the summary meets the requirement of being a fair and truthful statement of the matter to be referred.”), quoting R.C. 3519.01.

39. Even if the Court finds that the Attorney General simply failed to review the summary, the Attorney General nevertheless failed to perform a mandatory duty within the ten-day timeframe and therefore relinquished his now expired authority over the summary under Revised Code Section 3519.01(A). *Cf. State ex rel. Wallace v. State Med. Bd. of Ohio*, 89 Ohio St.3d 431, 435, 732 N.E.2d 960 (2000) (“Waiver is defined as a voluntary relinquishment of a known right.”); *State ex rel. Athens Cty. Bd. of Commrs. v. Gallia, Jackson, Meigs, Vinton Joint Solid Waste Mgt. Dist. Bd. of Dirs.*, 75 Ohio St.3d 611, 616, 665 N.E.2d 202 (1996) (explaining that “[a]s a general rule, . . . waiver is applicable to all personal rights and privileges,” whether contractual, statutory, or constitutional), quoting *Sanitary Commercial Serv., Inc. v. Shank*, 57 Ohio St.3d 178, 180, 566 N.E.2d 1215 (1991).

40. Providing the Attorney General with another opportunity to examine the very same summary that he has reviewed and thus conjure new deficiencies is also contrary to the legislative intent of the statute, which sets out clear deadlines to prevent officials from unduly delaying the process. *Schaller*, 10th Dist. Franklin No. 08AP–591, 2008-Ohio-4464, at ¶ 51 (acknowledging that the General Assembly added the ten-day deadline to limit the “attorney general’s ability to impede the process” and that a process that does not place any time limitations on the Attorney General to review the summary would impede the right of initiative); *cf. State ex rel. Summit Cty. Republican Party Exec. Commt. v. Brunner*, 118 Ohio St.3d 515, 2008-Ohio-2824, 890 N.E.2d

888, ¶ 36 (O’Donnell, J. concurring) (holding that the plain reading of a statute related to the Secretary of State’s duty to appoint members to a county board of elections does not allow the Secretary to keep rejecting additional recommendations into perpetuity).

41. Finally, even if the Attorney General did have the authority to review the title, his stated reasons for rejection of the title are incorrect both factually and legally, and his rejection is an abuse of discretion and/or contrary to law. He should be directed to certify.

42. The title “Ohio Voters Bill of Rights” accurately describes the proposed amendment, which establishes that the “right to vote is a fundamental right” and prohibits the enactment of laws, regulations, procedures, the use of harassment or intimidating conduct, or any other means to deny, abridge, interfere, or burden the fundamental right to vote. *McTigue Verification*, Ex. 10–11. To buttress that fundamental right to vote, the proposed amendment enumerates several specific guarantees of voting rights for eligible Ohio voters, including the rights to in-person voting, military and overseas absentee voting, early in-person voting, automatic voter registration, voter registration by non-electronic and electronic means, same-day voter registration, and no-excuse absentee voting. *McTigue Verification*, Ex. 10–11.

43. The proposed amendment requires the State to undertake specific acts to make voting accessible (i.e., “The State shall make applications necessary to obtain absentee ballots generally available and easily accessible,” “The State shall institute a publicly accessible system,” “The State shall make reasonable accommodations for electors with disabilities”), but the requirements of the proposed amendment are a floor, not a ceiling. *McTigue Verification*, Ex. 10–11. That is, the two instances where State and local election authorities have discretion to place secure drop boxes and to institute technological advancements in the voting process allow officials to further improve voting access in the spirit of the proposed amendment, not undermine it.

Moreover, these two provisions of discretion to further enumerated rights are a small fraction of the more than 15 enumerated rights and required State actions to support the fundamental right to vote.

44. The appropriate remedy for these defects is a writ of mandamus or other order under Revised Code Section 3519.01 compelling the Attorney General to certify the proposed amendment's summary and forward the petition to the Ballot Board.

45. This Court will grant a writ of mandamus when a relator establishes (i) a clear legal right to the requested relief, (ii) a clear legal duty on the part of the respondent to provide it, and (iii) the lack of an adequate remedy in the ordinary course of law.

46. Relators have a clear legal right to the requested relief as persons aggrieved by the Attorney General's refusal to certify the summary on an improper basis. R.C. 3519.01.

47. Respondent has a clear legal duty to provide the requested relief because he has a mandatory duty to examine the summary within ten days and to certify the summary and forward the submitted petition to the Ballot Board within ten days if the summary is fair and truthful. R.C. 3519.01(A) ("Within ten days after the receipt of the written petition and the summary of it, the attorney general shall conduct an examination of the summary."). Respondent has not done so, citing improper bases in clear disregard of applicable law and his legal duty.

48. Having reviewed the submitted petition for its fairness and truthfulness and having identified no issues with the summary—which is the only portion of the petition that the Attorney General may properly examine and cite as the basis for refusing to certify—the Attorney General is now required to certify. The proper remedy is accordingly a writ of mandamus or other order under Revised Code Section 3519.01 directing the Attorney General to complete that nondiscretionary duty to certify and forward the petition to the Ballot Board.

49. Even if the Court finds that the Attorney General simply failed to review the summary at all, mandamus or other order to certify would still be appropriate because the Attorney General relinquished any further authority over the summary by failing to perform a mandatory duty within the ten-day timeframe.

50. Relators lack an adequate remedy at law because this Court has original and exclusive jurisdiction of the subject matter of the action and mandamus is the appropriate remedy to challenge the Attorney General's failure to certify a petition. R.C. 3159.01(C); *see also State ex rel. LetOhioVote.org v. Brunner*, 123 Ohio St. 3d 322, 2009-Ohio-4900, 916 N.E.2d 462, ¶ 13.

PRAYER FOR RELIEF

Accordingly, Relators respectfully request that this Court:

- A. Issue a peremptory or other writ of mandamus or other order under Revised Code Section 3519.01 directing Respondent to certify the proposed amendment's summary as a fair and truthful statement of the proposed amendment and forward the petition to the Ballot Board;
- B. If the Court determines that it requires further evidence or briefing, issue an alternative writ of mandamus and order an expedited briefing schedule on the same;
- C. Retain jurisdiction of this action pursuant to Revised Code Section 2731.16, and render any and all further orders that the Court may from time to time deem appropriate; and
- D. Grant such other or further relief the Court deems appropriate, including, but not limited to, an award of Relators' reasonable costs.

Respectfully submitted,

/s/ Donald J. McTigue _____
Donald J. McTigue (0022849)
Counsel of Record
McTigue & Colombo, LLC
545 East Town Street

Columbus, OH 43215
(614) 263-7000
dmctigue@electionlawgroup.com

Ben Stafford**
Elias Law Group LLP
1700 Seventh Ave., Suite 2100
Seattle, WA 98101
(206) 656-0176
bstafford@elias.law

Jyoti Jasrasaria**
Qizhou Ge**
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW, Suite 400
Washington, DC 20001
(202) 968-4490
jjasrasaria@elias.law
age@elias.law

**Applications for admission *pro hac vice*
forthcoming

Counsel for Relators

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State of Ohio *ex rel.* William Dudley, *et al.*,

Relators,

v.

**Dave Yost, in his official capacity as Attorney
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VERIFICATION OF DONALD J. McTIGUE

Franklin County

/ss

State of Ohio

I, Donald J. McTigue, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

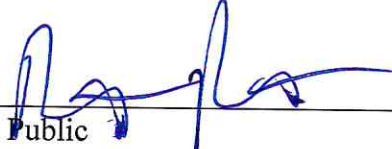
1. I am an attorney at law licensed to practice in the State of Ohio and I serve as legal counsel to Relators in this action.
2. Exhibit 1 is a true and correct copy of the Affidavit of Relator William Dudley.
3. Exhibit 2 is a true and correct copy of the Affidavit of Relator Terence Brennan.
4. Exhibit 3 is a true and correct copy of the Affidavit of Relator Michael Harrison.
5. Exhibit 4 is a true and correct copy of the Affidavit of Relator Pamela Simmons.
6. Exhibit 5 is a true and correct copy of the Affidavit of Relator Deidra Reese.
7. Exhibit 6 is a true and correct copy of Ohio Attorney General Dave Yost's March 2, 2023, letter certifying the petition summary for a constitutional amendment entitled "The Right to Reproductive Freedom with Protections for Health and Safety Amendment" to be fair and truthful.

8. Exhibit 7 is a true and correct copy of petitioners' letter accompanying their petition submitted to the Ohio Attorney General on December 19, 2023, proposing a summary for a constitutional amendment entitled "Secure and Fair Elections."
9. Exhibit 8 is a true and correct copy of a petition submitted to the Ohio Attorney General on December 19, 2023, proposing a summary for a constitutional amendment entitled "Secure and Fair Elections."
10. Exhibit 9 is a true and correct copy of Ohio Attorney General Dave Yost's December 28, 2023, letter rejecting the petition summary for a constitutional amendment entitled "Secure and Fair Elections."
11. Exhibit 10 is a true and correct copy of petitioners' letter accompanying their petition submitted to the Ohio Attorney General on January 16, 2024, proposing a summary for a constitutional amendment entitled "Ohio Voters Bill of Rights."
12. Exhibit 11 is a true and correct copy of a petition submitted to the Ohio Attorney General on January 16, 2024, proposing a summary for a constitutional amendment entitled "Ohio Voters Bill of Rights."
13. Exhibit 12 is a true and correct copy of Ohio Attorney General Dave Yost's January 25, 2024, letter rejecting the petition summary for a constitutional amendment entitled "Ohio Voters Bill of Rights."
14. I have reviewed all available historical records on the Attorney General's website of petitions at <https://www.ohioattorneygeneral.gov/petitions>.
15. I have read the Complaint filed in this action and affirm that the factual allegations contained therein are true and accurate.



 Donald J. McTigue

Sworn to before me this 1st day of February, 2024.



 Notary Public



Patricia Lee Roederer
 Attorney at Law
 Notary Public, State of Ohio
 My Commission Has No Expiration Date
 Sec 147.03 O.R.C.

My commission expires N/A

Exhibit 1

IN THE SUPREME COURT OF OHIO

State of Ohio *ex rel.* William Dudley, *et al.*,

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**Dave Yost, in his official capacity as Attorney
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AFFIDAVIT OF RELATOR WILLIAM DUDLEY

I, William Dudley, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge, and further state as follows:

1. I reside at 6389 Pinehurst Ln., Mason, in the State of Ohio.
2. I am qualified to vote in the State of Ohio and am registered to vote in Warren County, Ohio.
3. I am a member of the Committee Representing the Petitioners with Respect to the Initiative Petition Proposing an Amendment to the Ohio Constitution Entitled the "Ohio Voters Bill of Rights."
4. I support the constitutional amendment that would establish that the right to vote is a fundamental right and enumerates several specific guarantees of voting rights for Ohio voters, including the rights to in-person voting, military and overseas absentee voting, early in-person voting, automatic voter registration, voter registration by non-electronic and electronic means, same-day voter registration, and no-excuse absentee voting.
5. I intend to vote for the constitutional amendment and to organize others to do the same.
6. As a result of the Attorney General's action, the proposed amendment cannot go forward.
7. The Attorney General's refusal to certify the summary of the proposed amendment based on the title injures me as an Ohio elector and taxpayer and as an Ohio citizen organizing in favor of the amendment.

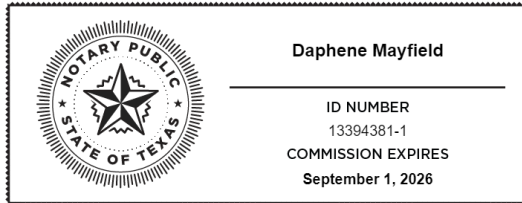
William Dudley

William Dudley

Sworn to before me this 1st day of February, 2024.

Daphene Mayfield

Notary Public



My commission expires 09/01/2026

Notary Public, State of Texas / County of Kaufman
Electronically signed and notarized online using the Proof platform



How to Verify This Transaction

Every Proof transaction is recorded and saved for a minimum of five years. Whether you receive an electronic or printed paper copy of a Proof document, you can access details of the transaction and verify its authenticity with the information below.

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Exhibit 2

IN THE SUPREME COURT OF OHIO

State of Ohio *ex rel.* William Dudley, *et al.*,

Relators,

v.

**Dave Yost, in his official capacity as Attorney
General,**

Respondent.

Case No. _____

Original Action in Mandamus and Under
Section 3519.01(C) of the Ohio Revised
Code

Peremptory and Alternative Writs
Requested

AFFIDAVIT OF RELATOR TERENCE BRENNAN

I, Terence Brennan, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge, and further state as follows:

1. I reside at 6219 Orchard Ln., Cincinnati, in the State of Ohio.
2. I am qualified to vote in the State of Ohio and am registered to vote in Hamilton County, Ohio.
3. I am a member of the Committee Representing the Petitioners with Respect to the Initiative Petition Proposing an Amendment to the Ohio Constitution Entitled the "Ohio Voters Bill of Rights."
4. I support the constitutional amendment that would establish that the right to vote is a fundamental right and enumerates several specific guarantees of voting rights for Ohio voters, including the rights to in-person voting, military and overseas absentee voting, early in-person voting, automatic voter registration, voter registration by non-electronic and electronic means, same-day voter registration, and no-excuse absentee voting.
5. I intend to vote for the constitutional amendment and to organize others to do the same.
6. As a result of the Attorney General's action, the proposed amendment cannot go forward.
7. The Attorney General's refusal to certify the summary of the proposed amendment based on the title injures me as an Ohio elector and taxpayer and as an Ohio citizen organizing in favor of the amendment.

Terence Brennan

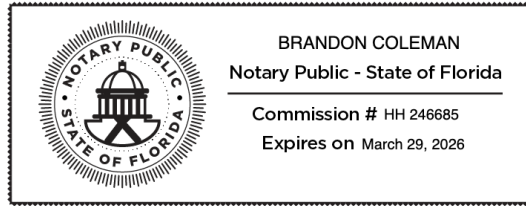
Terence Brennan

Notarized online using audio-video communication

Sworn to before me this 1st day of February, 2024.

Brandon Coleman

Notary Public



My commission expires 03/29/2026



How to Verify This Transaction

Every Proof transaction is recorded and saved for a minimum of five years. Whether you receive an electronic or printed paper copy of a Proof document, you can access details of the transaction and verify its authenticity with the information below.

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Access PIN:	ED6TXR

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Exhibit 3

IN THE SUPREME COURT OF OHIO

State of Ohio *ex rel.* William Dudley, *et al.*,

Relators,

v.

**Dave Yost, in his official capacity as Attorney
General,**

Respondent.

Case No. _____

Original Action in Mandamus and Under
Section 3519.01(C) of the Ohio Revised
Code

Peremptory and Alternative Writs
Requested

AFFIDAVIT OF RELATOR MICHAEL HARRISON

I, Michael Harrison, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge, and further state as follows:

1. I reside at 4185 Ledgewater Dr., Mogadore, in the State of Ohio.
2. I am qualified to vote in the State of Ohio and am registered to vote in Portage County, Ohio.
3. I am a member of the Committee Representing the Petitioners with Respect to the Initiative Petition Proposing an Amendment to the Ohio Constitution Entitled the "Ohio Voters Bill of Rights."
4. I support the constitutional amendment that would establish that the right to vote is a fundamental right and enumerates several specific guarantees of voting rights for Ohio voters, including the rights to in-person voting, military and overseas absentee voting, early in-person voting, automatic voter registration, voter registration by non-electronic and electronic means, same-day voter registration, and no-excuse absentee voting.
5. I intend to vote for the constitutional amendment and to organize others to do the same.
6. As a result of the Attorney General's action, the proposed amendment cannot go forward.
7. The Attorney General's refusal to certify the summary of the proposed amendment based on the title injures me as an Ohio elector and taxpayer and as an Ohio citizen organizing in favor of the amendment.

Virginia

Michael Harrison

Newport News

Michael Harrison

Sworn to before me this ^{1st} day of February, 2024.

Rushane E Smith

Notary Public



Rushane E Smith

REGISTRATION NUMBER

7857590

COMMISSION EXPIRES

July 31, 2024

My commission expires 07/31/2024

Notarized online using audio-video communication



How to Verify This Transaction

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Exhibit 4

IN THE SUPREME COURT OF OHIO

State of Ohio *ex rel.* William Dudley, *et al.*,

Relators,

v.

**Dave Yost, in his official capacity as Attorney
General,**

Respondent.

Case No. _____

Original Action in Mandamus and Under
Section 3519.01(C) of the Ohio Revised
Code

Peremptory and Alternative Writs
Requested

AFFIDAVIT OF RELATOR PAMELA SIMMONS

I, Pamela Simmons, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge, and further state as follows:

1. I reside at 2581 E. 5th Ave., Columbus, in the State of Ohio.
2. I am qualified to vote in the State of Ohio and am registered to vote in Franklin County, Ohio.
3. I am a member of the Committee Representing the Petitioners with Respect to the Initiative Petition Proposing an Amendment to the Ohio Constitution Entitled the "Ohio Voters Bill of Rights."
4. I support the constitutional amendment that would establish that the right to vote is a fundamental right and enumerates several specific guarantees of voting rights for Ohio voters, including the rights to in-person voting, military and overseas absentee voting, early in-person voting, automatic voter registration, voter registration by non-electronic and electronic means, same-day voter registration, and no-excuse absentee voting.
5. I intend to vote for the constitutional amendment and to organize others to do the same.
6. As a result of the Attorney General's action, the proposed amendment cannot go forward.
7. The Attorney General's refusal to certify the summary of the proposed amendment based on the title injures me as an Ohio elector and taxpayer and as an Ohio citizen organizing in favor of the amendment.

Pamela Simmons

Pamela Simmons

Virginia

Prince William County

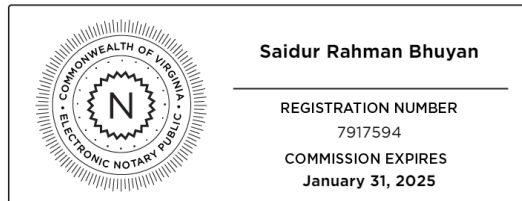
Sworn to before me this 1st day of February, 2024.

By Pamela Simmons

Saidur Rahman Bhuyan

Notary Public

My commission expires 01/31/2025



Notarized online using audio-video communication



How to Verify This Transaction

Every Proof transaction is recorded and saved for a minimum of five years. Whether you receive an electronic or printed paper copy of a Proof document, you can access details of the transaction and verify its authenticity with the information below.

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Access PIN:	DGU8VM

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Exhibit 5

IN THE SUPREME COURT OF OHIO

State of Ohio *ex rel.* William Dudley, *et al.*,

Relators,

v.

**Dave Yost, in his official capacity as Attorney
General,**

Respondent.

Case No. _____

Original Action in Mandamus and Under
Section 3519.01(C) of the Ohio Revised
Code

Peremptory and Alternative Writs
Requested

AFFIDAVIT OF RELATOR DEIDRA REESE

I, Deidra Reese, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge, and further state as follows:

1. I reside at 5882 Warner Meadows Dr., Westerville, in the State of Ohio.
2. I am qualified to vote in the State of Ohio and am registered to vote in Delaware County, Ohio.
3. I am a member of the Committee Representing the Petitioners with Respect to the Initiative Petition Proposing an Amendment to the Ohio Constitution Entitled the "Ohio Voters Bill of Rights."
4. I support the constitutional amendment that would establish that the right to vote is a fundamental right and enumerates several specific guarantees of voting rights for Ohio voters, including the rights to in-person voting, military and overseas absentee voting, early in-person voting, automatic voter registration, voter registration by non-electronic and electronic means, same-day voter registration, and no-excuse absentee voting.
5. I intend to vote for the constitutional amendment and to organize others to do the same.
6. As a result of the Attorney General's action, the proposed amendment cannot go forward.
7. The Attorney General's refusal to certify the summary of the proposed amendment based on the title injures me as an Ohio elector and taxpayer and as an Ohio citizen organizing in favor of the amendment.

Deidra Reese

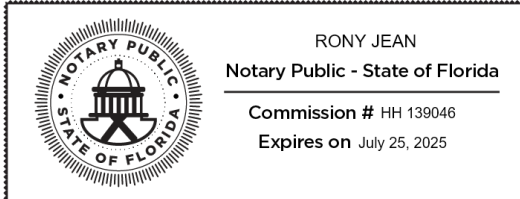
Deidra Reese

State of Florida County of Broward

Sworn to before me this 31st day of January, 2024, by Deidra Reese.

Rony Jean

Notary Public RONY JEAN



Notarized online using audio-video communication

My commission expires 07/25/2025

Type of Identification Produced DRIVER LICENSE



How to Verify This Transaction

Every Proof transaction is recorded and saved for a minimum of five years. Whether you receive an electronic or printed paper copy of a Proof document, you can access details of the transaction and verify its authenticity with the information below.

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Access PIN:	UC3YXP

For more information on how to verify Proof transactions, please visit: support.proof.com

Exhibit 6



DAVE YOST

OHIO ATTORNEY GENERAL

Constitutional Offices
Section
Office: 614-466-2872

March 2, 2023

Donald J. McTigue
McTigue & Colombo LLC
545 East Town Street
Columbus, Ohio 43215
dmctigue@electionlawgroup.com

Re: Submitted Petition for Initiated Constitutional Amendment to Enact Article I, Section 22 of the Ohio Constitution— “The Right to Reproductive Freedom with Protections for Health and Safety Amendment”

Dear Mr. McTigue,

On February 21, 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 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 my statutory duty to determine whether the submitted summary is a “fair and truthful statement of the proposed constitutional amendment.” R.C. 3519.01(A). That is, my role is limited to determining whether the wording of the summary properly advises potential petition signers of a measure’s material components. If I conclude that the summary is fair and truthful, I am to certify it as such within ten days after receipt of the petition.

I cannot base my determination on the wisdom or folly of a proposed amendment as a matter of public policy. “These arguments must be addressed to the electorate,” not to me. *State ex rel. Schwartz v. Brown*, 32 Ohio St.2d 4, 11, 288 N.E.2d 821 (1972).

Elected office is not a license to simply do what one wishes. The rule of law necessarily means that there are limits to the decision-making of those who temporarily exercise public authority. This is true of prosecutors who will not enforce criminal statutes with which they disagree, or presidents who wish to take actions not authorized by the Constitution or Congress.

It is also true of attorneys general required by a narrow law to make a decision about the truthfulness of a summary. My personal views on abortion are publicly known. In this matter, I am constrained by duty to rule upon a narrow question, not to use the authority of my office to effect a good policy, or to impede a bad one. A duty that never compels an unpleasant duty or act is not duty, but self-service, the opposite of public service—government by solipsism. That way lies chaos, and ultimately the breakdown of self-governance.

I state these first principles because it has become increasingly common for elected leaders to ignore them when convenient, and the process is accelerating as each side in our perpetual conflicts expects their own to act as faithlessly as the other side.

Enough.

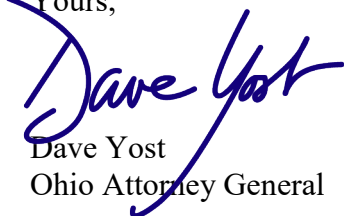
Having examined the submission, I conclude that the summary is a fair and truthful statement of the proposed amendment. I am therefore submitting the following certification to the Ohio Secretary of State:

Without passing on the advisability of the approval or rejection of the measure to be referred, but pursuant to the duties imposed upon the Attorney General's Office under Section 3519.01(A) of the Ohio Revised Code, I hereby certify that the summary is a fair and truthful statement of the proposed amendment.

My certification of the summary under Section 3519.01(A) should not be construed as an affirmation of the enforceability and constitutionality of the proposed amendment. *See State ex rel. Barren v. Brown*, 51 Ohio St.2d 160, 171, 365 N.E.2d 887 (1977) (holding that the "factual determination" that a summary is fair and truthful "is the extent of the role and authority of the Attorney General"). Indeed, there are significant problems with the proposed amendment, and if adopted, it will not end the long-running litigation on this topic, but simply transform it.

Should the proposal make it to the ballot, those arguments will be properly addressed to the electorate, as the Ohio Supreme Court suggested.

Yours,

A handwritten signature in blue ink that reads "Dave Yost". The signature is written in a cursive, flowing style.

Dave Yost
Ohio Attorney General

cc: Committee Representing the Petitioners

Nancy Kramer
955 Urlin Avenue
Columbus, Ohio 43212

Dr. Aziza Wahby
2971 Paxton Road
Shaker Heights, Ohio 44120

David Hackney
2918 Huntington Road
Shaker Heights, Ohio 44120

Jennifer McNally
2409 Brentwood Road
Bexley, Ohio 43209

Ebony Speakes-Hall
6617 English Oaks Station
Middletown, Ohio 45044

Exhibit 7

McTigue & Colombo LLC

ATTORNEYS AT LAW

DONALD J. MCTIGUE
J. COREY COLOMBO
PATRICIA L. ROEDERER

545 EAST TOWN STREET
COLUMBUS, OHIO 43215

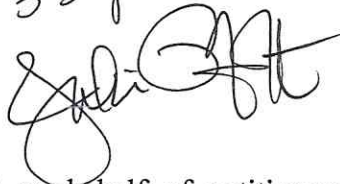
(614) 263-7000 | WWW.ELECTIONLAWGROUP.COM

December 19, 2023

Via Hand Delivery

The Honorable Dave Yost
Ohio Attorney General
30 E. Broad Street
Columbus, Ohio 43215

received
12/19/23

3:30pm


Re: Secure and Fair Elections

Dear Attorney General Yost:

Pursuant to R.C. 3519.01(A), and on behalf of petitioners who seek to propose a constitutional amendment by initiative petition, I am hereby filing a petition to approve the summary of a statewide initiative petition titled "Secure and Fair Elections." The petition contains 2,791 signatures of electors on 150 part-petitions and the summary and full text of the amendment to be proposed.

Please contact me if you have any questions. Thank you.

Respectfully submitted,



Donald J. McTigue

Encls.

Exhibit 8

County: Cuyahoga

Number: 75

PETITION

To the Attorney General of Ohio: Pursuant to Ohio Revised Code § 3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

TITLE

Secure And Fair Elections

SUMMARY

The proposed Amendment would amend Article V, Sections 1, 2, and 6 of the Ohio Constitution by adding new provisions and repealing some existing provisions.

Specifically, the Amendment would:

1. **Set forth Ohioans' qualifications to vote.** Any person who is a citizen of the United States, at least 18 years of age by the date of the election, a resident of Ohio, and registered to vote in their county of residence in accordance with the rights guaranteed by the provisions of this Amendment has the qualifications of an elector and is entitled to vote at all elections.
2. **Establish that the right to vote is a fundamental right.** No person, including any individual, entity, the state or a political subdivision of the state, shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure; (2) engage in any harassing, threatening, discriminatory, or intimidating conduct; or (3) use any means whatsoever, that has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote. Any infringement of the fundamental right to vote shall be subject to strict judicial scrutiny.
3. **Provide eligible Ohioans with specific voting rights:**
 - a) **In-person voting.** The right, once registered to vote, to obtain and cast a ballot in person on election day between 6:30 a.m. and 7:30 p.m. at an assigned polling location that is conveniently located and sufficiently equipped.
 - b) **Applying for, returning of, and counting of military and overseas absentee ballots.** The right, if registered to vote and either serving in the military or residing outside of the United States, to apply for an absentee ballot and have such absentee ballot sent to them beginning forty-six (46) calendar days before an election and to have their absentee ballot deemed timely received if it is postmarked on or before election day, and is received by the appropriate election official within ten (10) days after such election.

- c) **Early voting.** The right, once registered to vote, to cast a ballot during the early voting period before an election, which shall begin twenty-eight (28) calendar days before the date of each election, shall end at noon on the day before the election, and shall include early in person voting at least during regular daytime business hours on all weekdays during this period and at least for twelve hours across the two days of each of the final two weekends before election day.
- d) **Automatic voter registration and updating.** The right to be automatically and securely registered to vote or, if already registered, to have the elector's registration automatically and securely updated upon applying for, renewing, updating, or replacing an Ohio driver's license, learner's permit, or state identification card with the agency responsible for issuing these documents, unless the elector affirmatively indicates in writing following a mailed notice sent to their address after such registration or update that the elector does not want to be registered to vote or, if their registration has been updated, does not want to have their registration updated.
- e) **Voter registration by non-electronic and electronic means.** The right to register to vote or update a voter registration other than at a voting location through both non-electronic and electronic means until at least the twenty-ninth (29th) calendar day before an election and, if otherwise eligible to vote, to cast a regular ballot thereafter at the ensuing election.
- f) **Same-day voter registration.** The right, if not registered to vote in their county of residence, to register to vote and to be immediately eligible to cast a regular ballot by appearing in person during voting hours either at an early voting location in the elector's county of residence or at the polling location assigned for the elector's residential address on election day, and submitting to an authorized election official in person a completed voter registration form or the information required for such form, along with proof of identity and residential address,
- g) **Same-day registration change.** The right, if already registered to vote in their county of residence, to update the elector's registration and to be immediately eligible to cast a regular ballot by appearing in person during voting hours either at an early voting location in the elector's county of residence or at the polling location assigned for the elector's residential address on election day, and submitting to an authorized election official in person a completed voter registration form or the information required for such form, along with proof of residential address.
- h) **Using a photo ID or signed declaration to verify elector identity.** The right of registered electors who seek to cast a regular ballot in person to verify their identity, if required by law to do so, by presenting their unexpired government-issued photo ID or Ohio educational institution-issued photo ID, or by signing a declaration under penalty of perjury attesting to their identity, provided that election officials at the proper voting location can sufficiently verify the elector's identity using a specified process.

- i) **No-excuse absentee voting.** The right, once registered to vote, to apply for and cast an absentee ballot other than in person without providing an excuse and with return postage prepaid by the State. When casting such a ballot, an elector shall prove their identity with a signature and Ohio driver's license or state ID number or the last four digits of their social security number for election official verification. Election officials must verify the identity of electors who vote an absentee ballot using a specified process. An elector who has submitted an absentee ballot shall be allowed an equitable opportunity to cure any issues that have led to non-acceptance of that ballot, provided that the absentee ballot was timely received. An absentee ballot will be deemed timely received if it is postmarked on or before election day, and is received by the appropriate election official within ten (10) days after such election.
4. **Allow local election authorities discretion to expand voting opportunities.** Local election authorities shall have the discretion to expand the hours of early in person voting, to place multiple secure drop boxes throughout their counties for the return of absentee ballots, and to designate multiple locations throughout their counties for early in person voting based on the identified needs of their counties, including making early in person voting and absentee voting convenient and easily accessible for working and non-working electors.
5. **Require the State to make absentee ballot applications available and accessible.** The State shall make applications necessary to obtain absentee ballots generally available and easily accessible to electors statewide, including through electronic means. Electors may transmit such completed applications to the appropriate election authority through electronic or non-electronic means, and postage for all return envelopes shall be prepaid by the State. Election officials shall verify the elector's identity using a specified process. The State must institute a system for electors to electronically track their submitted absentee ballot applications and absentee ballots, which will allow electors to receive notice of and instructions to cure any deficiency with the application, if timely received.
6. **Provide that persons who attempt voter fraud will be subject to criminal penalties.** Any person who in requesting or casting a ballot attempts to impersonate another with the purpose to defraud, or who attempts to vote more than once in the same election with the purpose to defraud, shall be subject to criminal penalties as provided by law.
7. **Require the State to make reasonable accommodations for electors with disabilities or who otherwise require assistance under state or federal law.**
8. **Allow the State to institute technological advancements in the voting process.** The State may institute reliable additional secure options for qualified electors to verify their identity and cast their ballots as such methods become available through technological advancements, so long as such advancements maintain ballot secrecy and security and all other methods of identity verification and casting ballots specified in this Amendment remain acceptable.

9. **Provide that the provisions of this Amendment shall be construed in favor of electors' rights.** The various provisions in this Amendment shall be construed in favor of electors' rights and are intended to be self-executing and severable. The invalidity of one or more of such provisions shall not affect the validity of the remaining provisions in this Amendment. The General Assembly may pass laws expanding and facilitating the rights and opportunities guaranteed under this Amendment, but in no manner denying or limiting them.
10. **Require the General Assembly to make timely and adequate appropriations to effectuate the rights guaranteed and the requirements imposed by the Amendment.** If the General Assembly fails to comply with its obligation to make such timely and adequate appropriations, the Supreme Court of Ohio shall compel it to comply forthwith.
11. **Provide that any person who is a citizen of the United States, is a resident of Ohio, and will be at least 18 years of age at the time of the next election in this state shall have standing to bring an action for declaratory, injunctive, monetary, or any other appropriate relief to enforce the rights created by this Amendment.** This provision shall not be construed to limit existing standing law.
12. **Provide that all elections in this state shall be conducted by means of a secret ballot.**
13. **Eliminate an existing constitutional provision under which any elector who fails to vote in at least one election during any period of four consecutive years ceases to be an elector unless they register to vote again.**
14. **Eliminate an existing constitutional provision that prohibits an "idiot" or "insane person" from voting in Ohio.**

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Terry Brennan	6219 Orchard Ln., Cincinnati, OH 45213
Michael Harrison	4185 Ledgewater Dr., Mogadore, OH 44260
Pamela Simmons	2581 E. 5th Ave., Columbus, OH 43219
Deidra Reese	5882 Warner Meadows Dr., Westerville, OH 43081
William Dudley	6389 Pinehurst Ln., Mason, OH 45040

FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article V of the Ohio Constitution is hereby amended to add and repeal language in Sections 1, 2, and 6, as shown below. New language is underlined, repealed language is struck through, and unchanged language appears without underline or strikethrough:

Section 1, Voting Rights

(A) Any person who is ~~Only~~ a citizen of the United States, ~~of the age of eighteen years at least 18 years of age by the date of the election,~~ who has been a resident of the state, county, township, or ward, such time as may be provided by law, and has been registered to vote for thirty days, Ohio, and registered in their county of residence in accordance with the rights guaranteed by the provisions of this Section has the qualifications of an elector; and is entitled to vote at all elections. No person who lacks these qualifications shall be permitted to vote at in any state or local election held in this state. ~~Any elector who fails to vote in at least one election during any period of four consecutive years shall cease to be an elector unless the elector again registers to vote. Except as provided for in this Section and in Section 4 of this Article, the State shall not impose any qualification, nor institute any test, tax, charge, or expense, as a condition for voting, registering to vote, or updating a voter registration.~~

(B) The right to vote is a fundamental right enjoyed by every citizen of the United States who is or is eligible to become an elector in Ohio. No person shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure; (2) engage in any harassing, threatening, discriminatory, or intimidating conduct; or (3) use any means whatsoever, any of which has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote.

Because the right to vote is fundamental, any infringement of that right shall be subject to strict judicial scrutiny.

For purposes of subsection (B), "person" means an individual, association, corporation, joint stock company, labor organization, legal representative, mutual company, partnership, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal entity, and includes an agent of a person.

(C) To ensure that all elections in this state are secure, accessible, and fair, and to reduce voting lines and wait times, every citizen of the United States who is or is eligible to become an elector in Ohio shall have the following rights:

(1) The right, once registered to vote, to obtain and cast a ballot in person on election day between 6:30 a.m. and 7:30 p.m. at an assigned polling location that is conveniently located and sufficiently equipped.

- (2) The right, if registered to vote and either serving in the military or residing outside of the United States, to apply for an absentee ballot and have such absentee ballot sent to them beginning forty-six (46) calendar days before an election and to have their absentee ballot deemed timely received if it is postmarked on or before election day, and is received by the appropriate election official within ten (10) days after such election.
- (3) The right, once registered to vote, to cast a ballot during the early voting period before an election, which shall begin twenty-eight (28) calendar days before the date of each election, shall end at noon on the day before the election, and shall include early in person voting at least during regular daytime business hours on all weekdays during this period and at least for twelve hours across the two days of each of the final two weekends before election day.
- (4) The right to be automatically and securely registered to vote or, if already registered, to have the elector's registration automatically and securely updated upon applying for, renewing, updating, or replacing an Ohio driver's license, learner's permit, or state identification card with the agency responsible for issuing these documents, unless the elector affirmatively indicates in writing following a mailed notice sent to their address after such registration or update that the elector does not want to be registered to vote or, if their registration has been updated, does not want to have their registration updated.

The mailed notice required under this subsection shall be sent by the appropriate election authority.

Nothing in this subsection shall preclude a person who is already registered to vote from securely updating their registration by any other means provided by law.

- (5) The right to register to vote or update their voter registration other than at a voting location through both non-electronic and electronic means until at least the twenty-ninth (29th) calendar day before an election and, if otherwise eligible to vote, to cast a regular ballot thereafter at the ensuing election.
- (6) The right, if not registered to vote in their county of residence, to register to vote and to be immediately eligible to cast a ballot by
- (a) appearing in person during voting hours either at an early voting location in the elector's county of residence during the early voting period or at the polling location assigned for the elector's residential address on election day,

and

(b) submitting to an authorized election official in person at such voting location a completed voter registration form or the information required for such form and presenting

(i) proof of identity in any form set forth in subsection (C)(8)(a) of this Section, and

(ii) proof of their residential address, which shall include a form of identification set forth in subsection (C)(8)(a) that contains the elector's name and current residential address, or an original or a copy of a bill, bank statement, government check, or paycheck dated within the prior sixty (60) days that contains the elector's name and current residential address.

An elector who registers to vote pursuant to this subsection shall not be denied the right to cast a regular ballot at the time of registration or be challenged merely because the elector registers in accordance with this subsection.

(7) The right, if already registered to vote in their county of residence, to update the elector's registration and to be immediately eligible to cast a ballot by

(a) appearing in person during voting hours available for voting either at an early voting location in the elector's county of residence during the early voting period or at the polling location assigned for the elector's residential address on election day,

and

(b) submitting to an authorized election official at such voting location a completed voter registration form or the information required for such form and presenting proof of their residential address as set forth in subsection (C)(6)(b)(ii).

Electors who update their registration pursuant to this subsection shall not be denied the right to cast a regular ballot at the time of updating their registration or be challenged merely because they have updated their registration in accordance with this subsection.

(8) The right of registered electors who seek to cast a ballot in person to verify their identity, if required by law to do so, through the following methods at the time they request a ballot:

(a) Such electors may furnish their unexpired photo identification issued by

(i) any state or local government agency in Ohio.

(ii) any educational institution in Ohio.

(iii) any tribal government agency, or

(iv) any federal government agency.

(b) A registered elector who does not have one of the forms of identification set forth in subsection (C)(8)(a) of this Section, or who does not have it with them when the elector seeks to cast a ballot in person, shall be allowed to sign a declaration under penalty of perjury attesting to the elector's identity and to submit it to the responsible election official at that voting location. Such declaration shall require the elector to provide their date of birth. The responsible election official at the voting location shall verify the elector's identity by confirming that either the signature or the date of birth contained on the elector's signed declaration sufficiently agrees with such information contained in the elector's record available at the voting location. To facilitate this verification process, election officials shall ensure that the information from the elector's record that is available at the voting location includes the elector's signature and the elector's date of birth. Upon verification of the elector's identity using this process, the responsible election official at the voting location shall accept the declaration and provide the elector a regular ballot, if the elector is otherwise eligible. An elector whose declaration is thus accepted shall not be denied the right to cast a regular ballot or be challenged merely because the elector has executed a declaration in lieu of presenting one of the forms of identification set forth in subsection (C)(8)(a) of this Section.

(9) The right, once registered to vote, to apply for and cast an absentee ballot other than in person without providing an excuse and with return postage prepaid by the State.

(a) To prove their identity when casting such ballot, an elector shall provide on the absentee ballot envelope

(i) The elector's signature, and

(ii) The elector's Ohio driver's license or state identification card number, or the last four digits of the elector's Social Security number.

(b) Election officials authorized to issue and review absentee ballots shall verify the identity of an elector who votes an absentee ballot other than in person by comparing the signature on the absentee ballot envelope to the

signature on the elector's absentee ballot application (if available) or any signatures in the elector's registration record and comparing the information required pursuant to subsection (C)(9)(a)(ii) to the information in the elector's registration record. If those election officials determine that the signature on the absentee ballot envelope does not sufficiently agree with at least one of the signatures specified above, if the elector's signature on the absentee ballot envelope is missing, or if the information required pursuant to subsection (C)(9)(a)(ii) does not agree with the information in the elector's registration record or is missing, or there is another issue that results in non-acceptance of the absentee ballot, the elector has a right to be notified immediately and afforded due process, including an equitable opportunity to correct any issue(s) with the ballot envelope, if timely received.

(c) Electors casting absentee ballots by mail shall have their ballot deemed timely received if the ballot envelope is postmarked on or before election day and is received by the appropriate election official within ten (10) days after such election.

(D) Local election authorities shall have the discretion to expand the hours of early in person voting, to place multiple secure drop boxes throughout their counties for the return of absentee ballots, and to designate multiple locations throughout their counties for early in person voting based on the identified needs of their counties, including making early in person voting and absentee voting convenient and easily accessible for working and non-working electors.

(E) The State shall make applications necessary to obtain absentee ballots generally available and easily accessible to electors statewide, including through electronic means. Electors may transmit such completed applications to the appropriate election authority through electronic or non-electronic means, and postage for all return envelopes shall be prepaid by the State.

(1) To securely verify the elector's identity when applying for an absentee ballot through non-electronic means, the elector must furnish either of the following along with their signature on the application form:

(a) The elector's Ohio driver's license or state identification card number, or

(b) The last four digits of the elector's Social Security number.

(2) To securely verify the elector's identity when applying for an absentee ballot through electronic means, the elector must furnish either of the following:

(a) The elector's Ohio driver's license or state identification card number, or

- (b) The last four digits of the elector's Social Security number.
- (3) Election officials authorized to issue absentee ballots shall verify the identity of an elector who requests an absentee ballot by comparing the information on the application to the information in the elector's registration record. If a signature is provided on the application, such signature shall be compared to any signatures in the elector's registration record and shall be accepted if it sufficiently agrees with any of these signatures. If the appropriate election official cannot verify the identity of the elector or there is another issue that results in non-acceptance of the absentee ballot application, the elector has a right to be notified immediately and afforded due process, including an equitable and accessible opportunity to correct any issue(s) with the application, if timely received.
- (4) The State shall institute a system by which electors may electronically track submitted absentee ballot applications and absentee ballots. The system shall permit electors to receive secure electronic notifications regarding the status of their submitted absentee ballot application and absentee ballot, inform electors of any issue that prevents acceptance of their submitted absentee ballot application or acceptance and tabulation of their absentee ballot, and provide instructions to electors for addressing any such deficiency.
- (F) Any person who in requesting or casting a ballot attempts to impersonate another with the purpose to defraud, or who attempts to vote more than once in the same election with the purpose to defraud, shall be subject to criminal penalties as provided by law.
- (G) The State shall make reasonable accommodations for electors with disabilities or who otherwise require assistance under state or federal law.
- (H) The State may institute reliable additional secure options for qualified electors to verify their identity and cast their ballots as such methods become available through technological advancements, so long as such advancements maintain ballot secrecy and security and all other methods of identity verification and casting ballots specified in this Section remain acceptable.
- (I) This Section shall be construed in favor of electors' rights. The various provisions in this Section are intended to be self-executing and severable. The invalidity of one or more of such provisions shall not affect the validity of the remaining provisions in this Section. The General Assembly may pass laws expanding and facilitating the rights and opportunities guaranteed under this Section, but in no manner denying or limiting them. Notwithstanding any other provision of this Constitution or any laws of this state, the General Assembly shall make timely and adequate appropriations necessary to effectuate all rights guaranteed, all requirements imposed, and all powers granted by this Section. If the General Assembly fails to comply with its obligation to make such timely and adequate appropriations, the Supreme Court of Ohio shall compel it to comply forthwith.

(J) Any person who is a citizen of the United States, is a resident of Ohio, and will be at least 18 years of age at the time of the next election in this state shall have standing to bring an action for declaratory, injunctive, monetary, or any other appropriate relief to enforce the rights created by this Section. Nothing in this subsection shall be construed to limit existing standing law.

Section 2, By Ballot

All elections shall be by a secret ballot.

~~Section 6, Idiots or Insane Persons~~

~~No idiot, or insane person, shall be entitled to the privileges of an elector.~~

Exhibit 9



DAVE YOST

OHIO ATTORNEY GENERAL

Constitutional Offices Section
Office: 614-466-2872

December 28, 2023

Via regular U.S. Mail and E-mail

Donald J. McTigue
McTigue & Colombo LLC
545 East Town Street
Columbus, Ohio 43215
dmctigue@electionlawgroup.com

Re: Submitted Petition for Initiated Constitutional Amendment to Amend Article V, Sections 1, 2 and 6 of the Ohio Constitution – “Secure and Fair Elections”

Dear Mr. McTigue,

On December 19, 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 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 December 28, 2023.

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

First, the summary repeatedly refers to verification of voter identity as a “specified process,” although the various “specified processes” to which the summary refers differ markedly from each other. There is not one “specified process” but three different processes outlined in the proposed amendment by which elector identity is to be verified depending on whether the voter is (1) requesting an absentee ballot, (2) voting by absentee ballot, or (3) voting in person by signed declaration. Because the summary uses the same phrase “specified process” for three different processes, a reader is likely to believe that the same process is used in each of these scenarios. The summary is misleading in this regard.

Nor does the summary fairly explain the different requirements for verification of a voter's identity based on how they cast their ballot. While under (C)(8)(b) a voter seeking to cast an in-person ballot without a form of the identification required by (C)(8)(a) may sign a declaration attesting to their identity, their identity can be verified by comparing the signature on file *or* by confirming the voter's date of birth with the voter's record. However, a voter seeking to cast an absentee ballot must provide a signature *and* either a state identification/driver's license or social security number. There is a marked difference in the proposed amendments requirements for different types of ballots and this is not evident from a review of the summary.

The scope and means by which the identity of voters in Ohio are verified is of great public concern and interest. The summary fails to provide this necessary clarity and, by using the same term "specified process" when referring to different processes, obfuscates the differing ways in which voter identification is to be verified. It further obscures the different requirements mandated for verifying voter identity.

"To be clear, this analysis is not meant to imply that a verbatim recitation of the specific processes outlined in the amendment is necessary. Indeed, by definition, the summary must be a "short, concise summing up" of the proposed amendment. *State ex rel. Hubbell v. Bettman*, 124 Ohio St. 24 (1931). Nonetheless, the summary falls short of providing the necessary clarity on this issue for it to be considered fair and truthful.

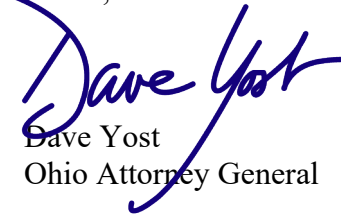
Second, the summary's description of the types of "person" to which the amendment applies is incomplete. A reader is not likely to understand "any ... entity" as stated in the summary to include the broader scope of both public and private entities and their agents as set forth in the proposed amendment. The omission from the summary of the specific types of entities actually covered by the proposed amendment materially alters the scope of the amendment's effect. It is therefore misleading in this regard.

Third, the title "Secure and Fair Elections" does not fairly or truthfully summarize or describe the actual content of the proposed amendment. The current title of Article V, Section 1 is "Who May Vote" and the proposed amendment renames Section 1 to "Voting Rights". Substantively, the proposed amendment is a compilation of specific election regulations. While the petitioners may believe that these proposed regulations may ultimately result in secure and fair elections, the title is completely untethered to the actual substance of the proposed amendment. Thus, the title is misleading and fails to fairly and truthfully describe the content of the proposed amendment.

Finally, the proposed amendment requires that, in the case of either a deficient absentee ballot or a deficient absentee ballot application, the elector "has a right to be notified immediately and afforded due process, including an equitable and accessible opportunity to correct" issues with the absentee ballot application or absentee ballot envelope. Proposed Amendment, Sections (C)(9)(b) and (E)(3). In contrast, the summary omits the words "immediately" and "afforded due process". The proposed amendment's requirements for immediate notice and due process in the event of a deficient absentee ballot application or absentee ballot envelope is a critical aspect of the process. To fairly and truthfully summarize the proposed amendment, the summary should include this omitted language. By not doing so, the summary again misleads the reader as to the scope and effect of the proposed amendment with respect to the process required.

The above instances are just a few examples of the summary's omissions and misstatements, and further review will be undertaken should the matter be resubmitted. Thus, without reaching the balance of the summary, I am unable to certify the summary as a fair and truthful statement of the proposed amendment.

Yours,

A handwritten signature in blue ink that reads "Dave Yost". The signature is written in a cursive style with a large, sweeping initial "D".

Dave Yost
Ohio Attorney General

cc: Committee Representing the Petitioners

Exhibit 10

McTigue & Colombo LLC

ATTORNEYS AT LAW

DONALD J. MCTIGUE
J. COREY COLOMBO
PATRICIA L. ROEDERER

545 EAST TOWN STREET
COLUMBUS, OHIO 43215

(614) 263-7000 | WWW.ELECTIONLAWGROUP.COM

January 16, 2024

received
1/16/24


Via Hand Delivery

The Honorable Dave Yost
Ohio Attorney General
30 E. Broad Street
Columbus, Ohio 43215

Re: Ohio Voter Bill of Rights

Dear Attorney General Yost:

Pursuant to R.C. 3519.01(A), and on behalf of petitioners, including petition committee members Terry Brennan, Michael Harrison, Pamela Simmons, Deidra Reese, and William Dudley, I am hereby filing with your office a petition to approve a summary of a constitutional amendment to be proposed by initiative petition titled the Ohio Voters Bill of Rights. The petition contains approximately 2,045 signatures on 180 part-petitions and the summary and full text of the amendment to be proposed.

This is the second submission of the Ohio Voters Bill of Rights, formerly titled Secure And Fair Elections. It was previously submitted to your office on December 19, 2023, and on December 28, 2023, you identified four reasons for rejecting the summary. First, you stated that the summary did not fairly describe the “scope and means by which the identity of voters in Ohio are verified.” Second, you stated that the summary’s description of the types of “person” to which the amendment applies was incomplete. Third, you stated that the title of the Amendment did not fairly or truthfully summarize or describe the proposed amendment. Fourth, you stated that the summary should include the words “immediately” and “afforded due process” to describe the processes required in the event of a deficient absentee ballot application or absentee ballot envelope.

On resubmission, all four of the identified issues have been addressed and fully resolved. The revised summary sets forth each of the “specified processes” for identity verification in detail. It also includes the complete definition of “person” and adds the words “immediately” and “afforded due process” where applicable. The Committee has also adopted a new title for the proposed amendment. However, for the record, we take issue with your attempt to review the title, which is outside the scope of your role under R.C. 3519.01. Under the statute, the Attorney General is authorized only to “conduct an examination of the *summary*.” R.C. 3519.01(A) (emphasis added); *see also State ex rel. Barren v. Brown*, 51 Ohio St. 2d 169, 170, 365 N.E.2d 887, 888 (1977) (“Under this statute, the authority of the Attorney General is limited to whether the summary is fair and truthful. If he determines that it is, he is directed to so certify.”). The title is not part of the summary; it is a separate statutory requirement. *See* R.C. 3519.05.

Finally, this second submission contains a few changes from the version that was previously submitted to your office. The proposed amendment now sets forth specific hours for early in-person voting and removes local election authorities' discretion to expand such hours; makes the forms of acceptable proof of residency documentation consistent with those listed in the federal Help America Vote Act; requires election officials to confirm that both the signature and the date of birth on an elector's identification declaration sufficiently agree with such information contained in the elector's record and creates due process for any elector whose regular ballot cannot be accepted; requires election officials verifying absentee ballots and absentee ballot applications to compare the elector's signature to all signatures of the elector available to the election officials; sets a deadline for curing absentee ballot deficiencies to ten days after the election; and requires that the tracking system for absentee ballots be publicly accessible to any registered Ohio elector. Each of these changes is also reflected in the summary.

Please contact me if you have any questions. Thank you.

Respectfully submitted,

A handwritten signature in cursive script that reads "J. Corey Colombo". The signature is written in black ink and includes a horizontal line at the end.

J. Corey Colombo

Encls.

Exhibit 11

County: Allen

Number: _____

PETITION

To the Attorney General of Ohio: Pursuant to Ohio Revised Code § 3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

TITLE

Ohio Voters Bill of Rights

SUMMARY

The proposed Amendment would amend Article V, Sections 1, 2, and 6 of the Ohio Constitution by adding new provisions and repealing some existing provisions.

Specifically, the Amendment would:

1. **Set forth Ohioans' qualifications to vote.** Any person who is a citizen of the United States, at least 18 years of age by the date of the election, a resident of Ohio, and registered to vote in their county of residence in accordance with the rights guaranteed by the provisions of this Amendment has the qualifications of an elector and is entitled to vote at all elections.
2. **Establish that the right to vote is a fundamental right.** No person—including any individual, association, corporation, joint stock company, labor organization, legal representative, mutual company, partnership, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal entity—or agent of a person shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure; (2) engage in any harassing, threatening, discriminatory, or intimidating conduct; or (3) use any means whatsoever, that has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote. Any infringement of the fundamental right to vote shall be subject to strict judicial scrutiny.
3. **Provide eligible Ohioans with specific voting rights:**
 - a) **In-person voting.** The right, once registered to vote, to obtain and cast a ballot in person on election day between 6:30 a.m. and 7:30 p.m. at an assigned polling location that is conveniently located and sufficiently equipped.
 - b) **Applying for, returning of, and counting of military and overseas absentee ballots.** The right, if registered to vote and either serving in the military or

residing outside of the United States, to apply for an absentee ballot and have such absentee ballot sent to them beginning forty-six (46) calendar days before an election and to have their absentee ballot deemed timely received if it is postmarked on or before election day, and is received by the appropriate election official within ten (10) days after such election.

- c) **Early voting.** The right, once registered to vote, to cast a ballot during the early voting period before an election, which shall begin twenty-eight (28) calendar days before the date of each election, shall end at noon on the day before the election, and shall include early in person voting from 8 a.m. to 5 p.m. on all weekdays during this period, 8 a.m. to 8 p.m. on all weekdays during the last full week during this period, 10 a.m. to 6 p.m. on the final two Saturdays during this period, and 1 p.m. to 5 p.m. on the final two Sundays during this period.
- d) **Automatic voter registration and updating.** The right to be automatically and securely registered to vote or, if already registered, to have the elector's registration automatically and securely updated upon applying for, renewing, updating, or replacing an Ohio driver's license, learner's permit, or state identification card with the agency responsible for issuing these documents, unless the elector affirmatively indicates in writing following a mailed notice sent to their address after such registration or update that the elector does not want to be registered to vote or, if their registration has been updated, does not want to have their registration updated.
- e) **Voter registration by non-electronic and electronic means.** The right to register to vote or update a voter registration other than at a voting location through both non-electronic and electronic means until at least the twenty-ninth (29th) calendar day before an election and, if otherwise eligible to vote, to cast a regular ballot thereafter at the ensuing election.
- f) **Same-day voter registration.** The right, if not registered to vote in their county of residence, to register to vote and to be immediately eligible to cast a regular ballot by appearing in person during voting hours either at an early voting location in the elector's county of residence or at the polling location assigned for the elector's residential address on election day, and submitting to an authorized election official in person a completed voter registration form or the information required for such form, along with an unexpired government-issued photo ID or Ohio educational institution-issued photo ID and, if the photo ID does not contain the elector's residential address, an original or a copy of a utility bill, bank statement, government check, paycheck, or other government document dated within the prior ninety (90) days that contains the elector's name and current residential address.

- g) **Same-day registration change.** The right, if already registered to vote in their county of residence, to update the elector's registration and to be immediately eligible to cast a regular ballot by appearing in person during voting hours either at an early voting location in the elector's county of residence or at the polling location assigned for the elector's residential address on election day, and submitting to an authorized election official in person a completed voter registration form or the information required for such form, along with an unexpired government-issued photo ID or Ohio educational institution-issued photo ID that contains the elector's current residential address or an original or a copy of a utility bill, bank statement, government check, paycheck, or other government document dated within the prior ninety (90) days that contains the elector's name and current residential address.
- h) **Using a photo ID or signed declaration to verify elector identity.** The right, once registered to vote and if seeking to cast a regular ballot in person, to verify their identity, if required by law to do so, by presenting their unexpired government-issued photo ID or Ohio educational institution-issued photo ID or, if they do not have such photo ID or do not have it with them, by signing a declaration under penalty of perjury that attests to their identity and provides their date of birth and then submitting it to the responsible election official at that voting location. The responsible election official at the voting location shall verify the elector's identity by confirming that the signature and the date of birth contained on the elector's signed declaration sufficiently agree with such information contained in the elector's record available at the voting location. To facilitate this verification process, election officials shall ensure that the information from the elector's record that is available at the voting location includes the elector's signature and the elector's date of birth. Upon verification of the elector's identity using this process, the responsible election official at the voting location shall accept the declaration and provide the elector a regular ballot, if the elector is otherwise eligible. If the responsible election official determines that the signature or date of birth on the declaration does not sufficiently agree with such information contained in the elector's record available at the voting location, or there is another issue that would result in non-acceptance of the regular ballot, the elector has a conditional right to complete a ballot at the voting location, a right to be notified immediately of the reason for non-acceptance of the declaration and how to cure it, and a right to cure it up to ten (10) days after the election. The elector whose declaration has not been accepted pursuant to this subsection shall have the right to cure it by presenting their unexpired government-issued photo ID or Ohio educational institution-issued photo ID or by correcting any issue(s) with the declaration either at the voting location on election day or at the board of elections within ten (10) days thereafter, whereupon the elector's conditionally completed ballot shall be counted.

- i) **No-excuse absentee voting.** The right, once registered to vote, to apply for and cast an absentee ballot other than in person without providing an excuse and with return postage prepaid by the State. When casting such a ballot, an elector shall prove their identity by providing on the absentee ballot envelope their signature and their Ohio driver's license or state ID number or the last four digits of their social security number for election official verification. Election officials shall verify the identity of an elector who votes an absentee ballot other than in person by comparing the signature on the absentee ballot envelope to the signature on the elector's absentee ballot application if available, or otherwise to all signatures of the elector available to the election officials, and by comparing the provided identification number (Ohio driver's license or state ID number or the last four digits of the elector's social security number) to the information in all records of the elector available to the election officials. If those election officials determine that the signature on the absentee ballot envelope does not sufficiently agree with at least one of the signatures specified above, if the elector's signature on the absentee ballot envelope is missing, or if the provided identification number does not agree with the information in the elector's record or is missing, or there is another issue that results in non-acceptance of the absentee ballot, the elector has a right to be notified immediately and afforded due process, including an equitable opportunity to correct any issue(s) with the ballot envelope up to ten (10) days after the election. An absentee ballot will be deemed timely received if it is postmarked on or before election day, and is received by the appropriate election official within ten (10) days after such election.
4. **Allow local election authorities discretion to expand voting opportunities.** Local election authorities shall have the discretion to place multiple secure drop boxes throughout their counties for the return of absentee ballots, and to designate multiple locations throughout their counties for early in person voting based on the identified needs of their counties, including making early in person voting and absentee voting convenient and easily accessible for working and non-working electors.
5. **Require the State to make absentee ballot applications available and accessible.** The State shall make applications necessary to obtain absentee ballots generally available and easily accessible to electors statewide, including through electronic means. Electors may transmit such completed applications to the appropriate election authority through electronic or non-electronic means, and postage for all return envelopes shall be prepaid by the State. When applying for an absentee ballot, an elector shall prove their identity by providing on the application form their Ohio driver's license or state ID number or the last four digits of their social security number and, if applying through non-electronic means, their signature. Election officials shall verify the applicant's identity by comparing the information on the application to the information in the elector's registration record. If a signature is provided on the application, such signature shall be

compared to all signatures of the elector available to the election officials and shall be accepted if it sufficiently agrees with any of these signatures. If the appropriate election official cannot verify the identity of the elector or there is another issue that results in non-acceptance of the absentee ballot application, the elector has a right to be notified immediately and afforded due process, including an equitable and accessible opportunity to correct any issue(s) with the application, if timely received.

- 6. Require the State to institute a tracking system for absentee ballot applications and absentee ballots.** The State shall institute a publicly accessible system by which any registered Ohio elector may electronically track the status of submitted absentee ballot applications and absentee ballots. The system shall permit electors to receive secure electronic notifications regarding the status of submitted absentee ballot applications and absentee ballots, inform electors of any issue that prevents acceptance of submitted absentee ballot applications or acceptance and tabulation of absentee ballots, and provide instructions for addressing any such deficiency.
- 7. Provide that persons who attempt voter fraud will be subject to criminal penalties.** Any person who in requesting or casting a ballot attempts to impersonate another with the purpose to defraud, or who attempts to vote more than once in the same election with the purpose to defraud, shall be subject to criminal penalties as provided by law.
- 8. Require the State to make reasonable accommodations for electors with disabilities or who otherwise require assistance under state or federal law.**
- 9. Allow the State to institute technological advancements in the voting process.** The State may institute reliable additional secure options for qualified electors to verify their identity and cast their ballots as such methods become available through technological advancements, so long as such advancements maintain ballot secrecy and security and all other methods of identity verification and casting ballots specified in this Amendment remain acceptable.
- 10. Provide that the provisions of this Amendment shall be construed in favor of electors' rights.** The various provisions in this Amendment shall be construed in favor of electors' rights and are intended to be self-executing and severable. The invalidity of one or more of such provisions shall not affect the validity of the remaining provisions in this Amendment. The General Assembly may pass laws expanding and facilitating the rights and opportunities guaranteed under this Amendment, but in no manner denying or limiting them.
- 11. Require the General Assembly to make timely and adequate appropriations to effectuate the rights guaranteed and the requirements imposed by the Amendment.** If the General Assembly fails to comply with its obligation to make such timely and adequate appropriations, the Supreme Court of Ohio shall compel it to comply forthwith.

12. **Provide that any person who is a citizen of the United States, is a resident of Ohio, and will be at least 18 years of age at the time of the next election in this state shall have standing to bring an action for declaratory, injunctive, monetary, or any other appropriate relief to enforce the rights created by this Amendment. This provision shall not be construed to limit existing standing law.**
13. **Provide that all elections in this state shall be conducted by means of a secret ballot.**
14. **Eliminate an existing constitutional provision under which any elector who fails to vote in at least one election during any period of four consecutive years ceases to be an elector unless they register to vote again.**
15. **Eliminate an existing constitutional provision that prohibits an “idiot” or “insane person” from voting in Ohio.**

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Terry Brennan	6219 Orchard Ln., Cincinnati, OH 45213
Michael Harrison	4185 Ledge water Dr., Mogadore, OH 44260
Pamela Simmons	2581 E. 5th Ave., Columbus, OH 43219
Deidra Reese	5882 Warner Meadows Dr., Westerville, OH 43081
William Dudley	6389 Pinehurst Ln., Mason, OH 45040

NOTICE

Whoever knowingly signs this petition more than once, except as provided in section 3501.382 of the Revised Code, signs a name other than one's own on this petition; or signs this petition when not a qualified voter, is liable to prosecution.

MUST USE ADDRESS ON FILE WITH BOARD OF ELECTIONS

(Sign with ink. Your name, residence, and date of signing must be given.)

Signature	County	Township	Rural Route or other Post Office Address	Month / Day / Year
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(Voters who do not live in a municipal corporation should fill in the information called for by headings printed above.)

(Voters who reside in municipal corporations should fill in the information called for by headings printed below.)

Signature	County	City or Village	Street and Number	Ward/Precinct	Month / Day / Year
-----------	--------	-----------------	-------------------	---------------	--------------------

31. Print First Name		Print Last Name		MI	
Street Address (Your Address on File with the Board of Elections)					
City, Village, or Township		County		Zip Code	Ward/Precinct
Signature			Date of Signing		
32. Print First Name		Print Last Name		MI	
Street Address (Your Address on File with the Board of Elections)					
City, Village, or Township		County		Zip Code	Ward/Precinct
Signature			Date of Signing		
33. Print First Name		Print Last Name		MI	
Street Address (Your Address on File with the Board of Elections)					
City, Village, or Township		County		Zip Code	Ward/Precinct
Signature			Date of Signing		
34. Print First Name		Print Last Name		MI	
Street Address (Your Address on File with the Board of Elections)					
City, Village, or Township		County		Zip Code	Ward/Precinct
Signature			Date of Signing		
35. Print First Name		Print Last Name		MI	
Street Address (Your Address on File with the Board of Elections)					
City, Village, or Township		County		Zip Code	Ward/Precinct
Signature			Date of Signing		

FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article V of the Ohio Constitution is hereby amended to add and repeal language in Sections 1, 2, and 6, as shown below. New language is underlined, repealed language is struck through, and unchanged language appears without underline or strikethrough:

Section 1, Voting Rights

(A) Any person who is ~~Only~~ a citizen of the United States, ~~of the age of eighteen years at least 18 years of age by the date of the election, who has been a resident of the state, county, township, or ward, such time as may be provided by law, and has been registered to vote for thirty days, Ohio, and registered in their county of residence in accordance with the rights guaranteed by the provisions of this Section~~ has the qualifications of an elector, and is entitled to vote at all elections. No person who lacks these qualifications shall be permitted to vote at in any state or local election held in this state. ~~Any elector who fails to vote in at least one election during any period of four consecutive years shall cease to be an elector unless the elector again registers to vote. Except as provided for in this Section and in Section 4 of this Article, the State shall not impose any qualification, nor institute any test, tax, charge, or expense, as a condition for voting, registering to vote, or updating a voter registration.~~

(B) The right to vote is a fundamental right enjoyed by every citizen of the United States who is or is eligible to become an elector in Ohio. No person shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure; (2) engage in any harassing, threatening, discriminatory, or intimidating conduct; or (3) use any means whatsoever, any of which has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote.

Because the right to vote is fundamental, any infringement of that right shall be subject to strict judicial scrutiny.

For purposes of subsection (B), "person" means an individual, association, corporation, joint stock company, labor organization, legal representative, mutual company, partnership, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal entity, and includes an agent of a person.

(C) To ensure that all elections in this state are secure, accessible, and fair, and to reduce voting lines and wait times, every citizen of the United States who is or is eligible to become an elector in Ohio shall have the following rights:

(1) The right, once registered to vote, to obtain and cast a ballot in person on election day between 6:30 a.m. and 7:30 p.m. at an assigned polling location that is conveniently located and sufficiently equipped.

- (2) The right, if registered to vote and either serving in the military or residing outside of the United States, to apply for an absentee ballot and have such absentee ballot sent to them beginning forty-six (46) calendar days before an election and to have their absentee ballot deemed timely received if it is postmarked on or before election day, and is received by the appropriate election official within ten (10) days after such election.
- (3) The right, once registered to vote, to cast a ballot during the early voting period before an election, which shall begin twenty-eight (28) calendar days before the date of each election, shall end at noon on the day before the election, and shall include early in person voting from 8 a.m. to 5 p.m. on all weekdays during this period, 8 a.m. to 8 p.m. on all weekdays during the last full week during this period, 10 a.m. to 6 p.m. on the final two Saturdays during this period, and 1 p.m. to 5 p.m. on the final two Sundays during this period.
- (4) The right to be automatically and securely registered to vote or, if already registered, to have the elector's registration automatically and securely updated upon applying for, renewing, updating, or replacing an Ohio driver's license, learner's permit, or state identification card with the agency responsible for issuing these documents, unless the elector affirmatively indicates in writing following a mailed notice sent to their address after such registration or update that the elector does not want to be registered to vote or, if their registration has been updated, does not want to have their registration updated.

The mailed notice required under this subsection shall be sent by the appropriate election authority.

Nothing in this subsection shall preclude a person who is already registered to vote from securely updating their registration by any other means provided by law.

- (5) The right to register to vote or update their voter registration other than at a voting location through both non-electronic and electronic means until at least the twenty-ninth (29th) calendar day before an election and, if otherwise eligible to vote, to cast a regular ballot thereafter at the ensuing election.
- (6) The right, if not registered to vote in their county of residence, to register to vote and to be immediately eligible to cast a ballot by
- (a) appearing in person during voting hours either at an early voting location in the elector's county of residence during the early voting period or at the polling location assigned for the elector's residential address on election day.

and

- (b) submitting to an authorized election official in person at such voting location a completed voter registration form or the information required for such form and presenting
 - (i) proof of identity in any form set forth in subsection (C)(8)(a) of this Section, and
 - (ii) proof of their residential address, which shall include a form of identification set forth in subsection (C)(8)(a) that contains the elector's name and current residential address, or an original or a copy of a utility bill, bank statement, government check, paycheck, or other government document dated within the prior ninety (90) days that contains the elector's name and current residential address.

An elector who registers to vote pursuant to this subsection shall not be denied the right to cast a regular ballot at the time of registration or be challenged merely because the elector registers in accordance with this subsection.

- (7) The right, if already registered to vote in their county of residence, to update the elector's registration and to be immediately eligible to cast a ballot by
 - (a) appearing in person during voting hours available for voting either at an early voting location in the elector's county of residence during the early voting period or at the polling location assigned for the elector's residential address on election day,

and

- (b) submitting to an authorized election official at such voting location a completed voter registration form or the information required for such form and presenting proof of their residential address as set forth in subsection (C)(6)(b)(ii).

Electors who update their registration pursuant to this subsection shall not be denied the right to cast a regular ballot at the time of updating their registration or be challenged merely because they have updated their registration in accordance with this subsection.

- (8) The right of registered electors who seek to cast a ballot in person to verify their identity, if required by law to do so, through the following methods at the time they request a ballot:

- (a) Such electors may furnish their unexpired photo identification issued by
- (i) any state or local government agency in Ohio,
 - (ii) any educational institution in Ohio,
 - (iii) any tribal government agency, or
 - (iv) any federal government agency.
- (b) A registered elector who does not have one of the forms of identification set forth in subsection (C)(8)(a) of this Section, or who does not have it with them when the elector seeks to cast a ballot in person, shall be allowed to sign a declaration under penalty of perjury attesting to the elector's identity and to submit it to the responsible election official at that voting location. Such declaration shall require the elector to provide their date of birth. The responsible election official at the voting location shall verify the elector's identity by confirming that the signature and the date of birth contained on the elector's signed declaration sufficiently agree with such information contained in the elector's record available at the voting location. To facilitate this verification process, election officials shall ensure that the information from the elector's record that is available at the voting location includes the elector's signature and the elector's date of birth. Upon verification of the elector's identity using this process, the responsible election official at the voting location shall accept the declaration and provide the elector a regular ballot, if the elector is otherwise eligible. An elector whose declaration is thus accepted shall not be denied the right to cast a regular ballot or be challenged merely because the elector has executed a declaration in lieu of presenting one of the forms of identification set forth in subsection (C)(8)(a) of this Section.
- (c) If the responsible election official determines that the signature or date of birth on the declaration does not sufficiently agree with such information contained in the elector's record available at the voting location, or there is another issue that would result in non-acceptance of the regular ballot, the elector has a conditional right to complete a ballot at the voting location, a right to be notified immediately of the reason for non-acceptance of the declaration and how to cure it, and a right to cure it up to ten (10) days after the election. The elector whose declaration has not been accepted pursuant to this subsection shall have the right to cure it by presenting one of the forms of identification set forth in subsection (C)(8)(a) or by correcting any issue(s) with the declaration either at the voting location on election day or at the board of elections within ten (10) days thereafter, whereupon the elector's conditionally completed ballot shall be counted.

- (9) The right, once registered to vote, to apply for and cast an absentee ballot other than in person without providing an excuse and with return postage prepaid by the State.
- (a) To prove their identity when casting such ballot, an elector shall provide on the absentee ballot envelope
- (i) The elector's signature, and
- (ii) The elector's Ohio driver's license or state identification card number, or the last four digits of the elector's Social Security number.
- (b) Election officials authorized to issue and review absentee ballots shall verify the identity of an elector who votes an absentee ballot other than in person by comparing the signature on the absentee ballot envelope to the signature on the elector's absentee ballot application if available, or otherwise to all signatures of the elector available to the election officials, and by comparing the information required pursuant to subsection (C)(9)(a)(ii) to the information in all records of the elector available to the election officials. If those election officials determine that the signature on the absentee ballot envelope does not sufficiently agree with at least one of the signatures specified above, if the elector's signature on the absentee ballot envelope is missing, or if the information required pursuant to subsection (C)(9)(a)(ii) does not agree with the information in the elector's record or is missing, or there is another issue that results in non-acceptance of the absentee ballot, the elector has a right to be notified immediately and afforded due process, including an equitable opportunity to correct any issue(s) with the ballot envelope up to ten (10) days after the election.
- (c) Electors casting absentee ballots by mail shall have their ballot deemed timely received if the ballot envelope is postmarked on or before election day and is received by the appropriate election official within ten (10) days after such election.
- (D) Local election authorities shall have the discretion to place multiple secure drop boxes throughout their counties for the return of absentee ballots, and to designate multiple locations throughout their counties for early in person voting based on the identified needs of their counties, including making early in person voting and absentee voting convenient and easily accessible for working and non-working electors.
- (E) The State shall make applications necessary to obtain absentee ballots generally available and easily accessible to electors statewide, including through electronic means. Electors may transmit such completed applications to the appropriate election authority through

electronic or non-electronic means, and postage for all return envelopes shall be prepaid by the State.

(1) To securely verify the elector's identity when applying for an absentee ballot through non-electronic means, the elector must furnish either of the following along with their signature on the application form:

(a) The elector's Ohio driver's license or state identification card number, or

(b) The last four digits of the elector's Social Security number.

(2) To securely verify the elector's identity when applying for an absentee ballot through electronic means, the elector must furnish either of the following:

(a) The elector's Ohio driver's license or state identification card number, or

(b) The last four digits of the elector's Social Security number.

(3) Election officials authorized to issue absentee ballots shall verify the identity of an elector who requests an absentee ballot by comparing the information on the application to the information in the elector's registration record. If a signature is provided on the application, such signature shall be compared to all signatures of the elector available to the election officials and shall be accepted if it sufficiently agrees with any of these signatures. If the appropriate election official cannot verify the identity of the elector or there is another issue that results in non-acceptance of the absentee ballot application, the elector has a right to be notified immediately and afforded due process, including an equitable and accessible opportunity to correct any issue(s) with the application, if timely received.

(4) The State shall institute a publicly accessible system by which any registered Ohio elector may electronically track the status of submitted absentee ballot applications and absentee ballots. The system shall permit electors to receive secure electronic notifications regarding the status of submitted absentee ballot applications and absentee ballots, inform electors of any issue that prevents acceptance of submitted absentee ballot applications or acceptance and tabulation of absentee ballots, and provide instructions for addressing any such deficiency.

(F) Any person who in requesting or casting a ballot attempts to impersonate another with the purpose to defraud, or who attempts to vote more than once in the same election with the purpose to defraud, shall be subject to criminal penalties as provided by law.

(G) The State shall make reasonable accommodations for electors with disabilities or who otherwise require assistance under state or federal law.

- (H) The State may institute reliable additional secure options for qualified electors to verify their identity and cast their ballots as such methods become available through technological advancements, so long as such advancements maintain ballot secrecy and security and all other methods of identity verification and casting ballots specified in this Section remain acceptable.
- (I) This Section shall be construed in favor of electors' rights. The various provisions in this Section are intended to be self-executing and severable. The invalidity of one or more of such provisions shall not affect the validity of the remaining provisions in this Section. The General Assembly may pass laws expanding and facilitating the rights and opportunities guaranteed under this Section, but in no manner denying or limiting them. Notwithstanding any other provision of this Constitution or any laws of this state, the General Assembly shall make timely and adequate appropriations necessary to effectuate all rights guaranteed, all requirements imposed, and all powers granted by this Section. If the General Assembly fails to comply with its obligation to make such timely and adequate appropriations, the Supreme Court of Ohio shall compel it to comply forthwith.
- (J) Any person who is a citizen of the United States, is a resident of Ohio, and will be at least 18 years of age at the time of the next election in this state shall have standing to bring an action for declaratory, injunctive, monetary, or any other appropriate relief to enforce the rights created by this Section. Nothing in this subsection shall be construed to limit existing standing law.

Section 2, By Ballot

All elections shall be by a secret ballot.

~~Section 6, Idiots or Insane Persons~~

~~No idiot, or insane person, shall be entitled to the privileges of an elector.~~

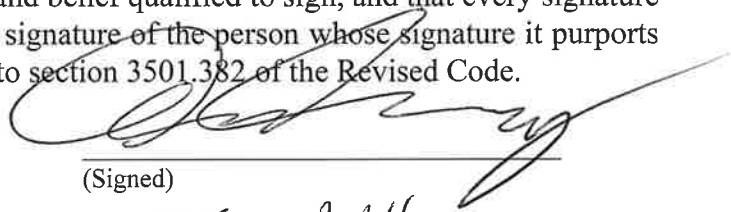
STATEMENT OF CIRCULATOR

I, Dustin Murphy, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 1 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 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

One Fair Wage
11910 Detroit Ave, Lakewood
OH 44107

(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.)

I further declare under penalty of election falsification that I reside at the address appearing below my signature, that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.



(Signed)

1735 Little ave

(Address of circulator's permanent residence)
Number and Street, Road or Rural Route

Columbus

City, Village or Township

Ohio

State

43223

Zip Code

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

Exhibit 12



DAVE YOST

OHIO ATTORNEY GENERAL

Constitutional Offices
Section
Office: 614-466-2872

January 25, 2024

Via regular U.S. Mail and E-mail

Donald J. McTigue
McTigue & Colombo LLC
545 East Town Street
Columbus, Ohio 43215
dmctigue@electionlawgroup.com

Re: Submitted Petition for Initiated Constitutional Amendment to Amend Article V, Sections 1, 2 and 6 of the Ohio Constitution – “Ohio Voters Bill of Rights” – SECOND SUBMISSION

Dear Mr. McTigue,

On January 16, 2024, 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 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 January 25, 2024.

Having reviewed the renewed submission, I am unable to certify the summary as a fair and truthful representation of the proposed amendment. Our review of the summary identified a misstatement that is, by itself, sufficient to mislead a potential signer as to the scope and effect of the proposed amendment.

The title “Ohio Voters Bill of Rights” does not fairly or accurately summarize or describe the actual content of the proposed amendment. In the past, this Office has not always rigorously evaluated whether the title fairly or truthfully summarized a given proposed amendment. But recent authority from the Ohio Supreme Court has confirmed that the title for a ballot initiative is material to voters. With respect to a petition for a proposed ordinance, the Court held that “[t]here is no question that the title of a proposed ordinance is material to a petition. A title ‘provides notice of the proposal to signers of an initiative petition. More so than the text, the title immediately alerts signers to the nature of [the] proposed legislation.’” *State ex rel. Hildreth v. Larose*, 2023-Ohio-

3667, P17 (quoting *State ex rel. Esch v. Lake Cty. Bd. of Elections*, 61 Ohio St.3d 595, 597, 575 N.E.2d 835 (1991)). Indeed, in our time of heightened polarization and partisanship, whether the title of a proposed amendment fairly or truthfully summarizes the proposal takes on even greater importance to voters asked to sign a petition. Thus, while examples of past practice from this Office may be relevant, *see, e.g.*, Nursing Facility Patients’ Bill of Rights (2021); The Ohio Voters Bill of Rights (2014), they cannot be dispositive because they did not undertake to determine whether the title itself is a “fair and truthful statement.” Ohio Revised Code Section 3519.01(A).

First, the title “Ohio Voters Bill of Rights” does not fairly or truthfully summarize or describe the actual content of the proposed amendment, which confers discretion on government officials. To establish a right, the amendment would need to create in voters a “legitimate claim of entitlement” to a benefit. *See Bd. of Regents v. Roth*, 408 U.S. 564, 577 (1972). A purely discretionary act does not create any such claim or entitlement. A “benefit is not a protected entitlement if government officials may grant or deny it in their discretion.” *Town of Castle Rock v. Gonzales*, 545 U.S. 748, 756 (2005); *see also Untied States v. Herrera-Pagoda*, 14 F.4th 311, 320 (4th Cir. 2021).

Despite the proposed amendment’s label, many provisions of the amendment define “legitimate claim[s] of entitlement.” *Roth*, 408 U.S. at 577. Indeed, the proposed amendment contains provisions that cannot properly be described as creating a right for Ohio voters at all. For example, the proposed amendment states that local election authorities “shall have the *discretion*” to place multiple absentee-ballot drop boxes throughout their counties. This grant of unfettered discretion, by definition, does not create a right that voters may seek to enforce. It also allows discretion for the State to institute technological advancements in the voting process. This provision likewise fails to create any enforceable right. Any single such example renders the label misleading.

Second, the title “Ohio Voters Bill of Rights” does not fairly or truthfully summarize the common understanding of a “Bill of Rights.” Although the common understanding of that term has evolved over time since the American founding, *see* Gerard N. Magliocca, *The Bill of Rights as a Term of Art*, 92 Notre Dame L. Rev. 231 (2016), today, a “Bill of Rights” means an articulation of specific, discrete rights that may be enforced by individuals against the government. The ordinary meaning of a “Bill of Rights” is thus “[a] formal summary of those rights and liberties considered essential to a people or group of people.” Bill of rights, American Heritage Dictionary (5th Ed. 2022); *see also Hamill v. Hawks*, 58 F.2d 41, 47 (10th Cir. 1932), *rev’d*, 288 U.S. 52 (1933) (defining Bill of Rights as “[a] formal and public declaration of popular rights and liberties.” (citation omitted)). Under this contemporary understanding, a bill of rights does not dictate the detailed, procedural operations of government processes. The proposed amendment, however, is just as concerned—if not *more* concerned—with process than with rights. Rather than simply defining the rights possessed by Ohio’s voters, it focuses in detail on the processes the State uses to carry out its elections. Those processes are not properly described as “rights” and therefore cannot be fairly and truthfully said to be components of a “Bill of Rights.”

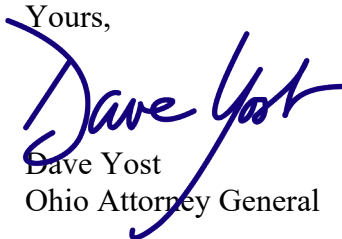
For example, the proposal mandates that the legislature appropriate funds to carry out the many processes and the systems it establishes, and it authorizes the Ohio Supreme Court to compel the legislature to make such appropriations. It also dictates the specifics of polling times on voting days, the location of and equipment at polling locations, the number of calendar days (46) before an election day that officials must send ballots to absentee voters, absentee ballot tracking

processes, electronic and non-electronic voter registration, same-day voter registration procedures, and procedures for voters to cast ballots without presenting a photo ID. None of these government processes fit the ordinary definition of a “summary of those rights and liberties considered essential to a people or group of people.”

It has become commonplace to use the language of advocacy and advertising in initiated statutes and constitutional amendments. Such language will be employed, no doubt, in the campaign around such matters. *At least* on the formal ballot, the language should be as neutral as possible. This office will take a skeptical view of such efforts in its reviews, regardless of which political tribe may be offering its proposal to the sovereign people.

The highly misleading and misrepresentative title of this amendment is sufficient *on its own* to reject this petition. Thus, without reaching the balance of the summary, 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 Representing the Petitioners