

PROPOSED AMENDMENT
to the
CONSTITUTION OF THE STATE OF OHIO
by
INITIATIVE PETITION

Titled
OHIO SOVEREIGNTY AMENDMENT

Submitted by
The PEOPLE'S CONSTITUTION COALITION OF OHIO

December 23, 2009

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SUMMARY
for the proposed
SOVEREIGNTY AMENDMENT to the Ohio Constitution

HISTORICAL OVERVIEW:

On September 22, 2009 the Committee for The PEOPLE'S CONSTITUTION COALITION OF OHIO submitted to the Ohio Attorney General a *PROPOSED SOVEREIGNTY AMENDMENT TO THE OHIO CONSTITUTION* along with their *Summary* and approximately 1,800 signatures from the people of Ohio.

On October 2, 2009 Richard Cordray, Ohio Attorney General, constructed his response rejecting the submitted *Summary*.

The controlling statute governing the submission of an "Initiative" by the people of Ohio is found at R.C. § 3519, wherein it states, to wit:

"Whoever seeks to propose a law or constitutional amendment by initiative petition shall, by a written petition signed by one thousand qualified electors, submit the proposed law or constitutional amendment and a summary of it to the attorney general for examination. ... If, in the opinion of the attorney general, the summary is a fair and truthful statement of the proposed law or constitutional amendment, the attorney general shall so certify and then forward the submitted petition to the Ohio ballot board for its approval under division (A) of section 3505.062 of the Revised Code." - R.C. § 3519(A) [Underline added]

The said provisions of the Revised Code offer no other guidance or specifications regarding the construction of the *Summary*, nor does it define what constitutes a "fair and truthful statement." The only indication as to the proper interpretation of the said terms is provided in the attorney general's said response letter, which expresses that a fair and truthful statement would include: (1) a specific account of each of the proposed provisions; (2) a description of any newly created duties and responsibilities for Ohio's public officeholders and public servants; (3) and relevant consequences of ratification in terms clearly identifiable by the average person. Phone conversations with an attorney from the attorney general's office confirms that the items indicated would adequately provide the information required to certify a proper *Summary*. These criteria are not interpreted to include every conceivable purpose, intent or effect possible.

WHEREFORE, we hereby submit our second *Summary* for a newly revised proposed Sovereignty Amendment to the Ohio Constitution. This *Summary* is intended as a fair and truthful statement of the proposed amendment based on the above criteria.

SUMMARY OF PROPOSED SOVEREIGNTY AMENDMENT TO THE OHIO CONSTITUTION

Summary Rev. 2.1 – 11/04/2009

Amendment Rev. 3.8 – 11/04/2009

DEFINITIONS

As used throughout this summary and the proposed amendment, the following terms shall have the meanings so stated.

“**People**” means every man and woman living within the political jurisdiction of the state of Ohio. It comprises, Citizens, nationals, residents, and aliens. It does not include legal fictions, such as corporations, associations, organizations, municipalities, or similar.

“**Citizen**” means people who have freely joined together, upon their knowledgeable consent, as members of Ohio society and subject themselves to the rule of law and government as established by and through the Ohio Constitution. As Citizens, they owe allegiance to each other and their government. Collectively, they are referred to as Citizens or Ohioans. Citizens have claim to all rights, liberties, privileges, and immunities secured by and through the Ohio Constitution and Ohio laws made in compliance therewith.

“**National**” means a man, woman, or child native-born in Ohio or other political jurisdiction, who is not a Citizen; though living within the state, owes no allegiance; governed under the laws of nature or a foreign jurisdiction; having no claim to the privileges, immunities, or benefits of the state except for protection of his fundamental and unalienable rights and liberties. A National is a “freeman” or a society separate from the society of Ohio Citizens. An Ohio National has a birthright to the land in Ohio.

“**Resident**” has similar meaning as provided in *The Law of Nations or the Principles of Natural Law*, by E. de Vattel, at Chapter XIX, Vol. 3 of the 1758 Edition, pg. 87. Particularly, Residents, as distinguished from the term Citizens, are aliens who are permitted to take up a permanent abode in Ohio. Being bound to Ohio society by reason of their dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of Citizens. They have only certain privileges which the law, or custom, gives them. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. United States citizens living within Ohio are residents. Also, as state Citizens, they possess a dual capacity, or dual citizenship.

“**Alien**” means people foreign to Ohio, having no allegiance thereto, liable under the law of nations, and having no claim of privileges, immunities, or benefits of the state.

“**Public servant**” means every man, woman, or agent, whether natural or fiction, acting in any capacity on behalf of any governmental purpose or function or in the name of the state, i.e. public officeholders, public servants, public contractors, etc., and their respective employees.

“**Federal**” means that relating to or resulting from the government established by the *Constitution of the United States of America* on behalf of the Union of states.

“**State**” means an independent society or its government, acting as a nation or country independent from other nations and countries. In particular, it means a member state of the Union comprising *The United States of America*. A state is comprised of Citizens organized to form a society founded upon and bound together by their common beliefs and willingness to live together under a system of laws common to all.

“**Ohio**” means: (a) the geographical territory lying within the outer borders of the state of Ohio; (b) every place that the political jurisdiction of Ohio government attaches; and (c) the society represented as the state of Ohio. Formed pursuant to the *Constitution of the United States of America*, it exists as a free and independent and sovereign state of, and on equal footing to, the Union of states comprising the United States of America, and it functions solely as a republic form of government.

“**Undue**” means more than necessary; not proper; illegal; unjust; contrary to a set standard or agreement. It denotes something wrong, unjustified, without or beyond authority, or misapplied.

SUMMARY DESCRIPTION:

(Note: The following Section “§” annotations correspond to the appropriate sections of the proposed amendment.)

§1 Purposes and Intent of the Ohio Constitution

Description

The Citizens of Ohio established Ohio as a free society and state. They established a government having limited powers and authorities as defined within the Ohio Constitution. Ohio government has no power to act on its own outside the authority of the Ohio Constitution.

The Ohio Constitution is a guarantee to all people in Ohio, whether or not they are Citizens, that their individual Rights and Liberties will be equally protected, without discrimination.

The intent of the Ohio Constitution is to provide government with power to adequately protect the people’s Rights and Liberties, but not the authority to abuse such power to unreasonably interfere with the people’s exercise of said Rights and Liberties.

The only means by which Ohio government can acquire any power and authority is by the Citizens voting to have such powers and authorities incorporated into the Ohio Constitution. And, such powers and authorities may only be acquired when the Citizens have been adequately informed about the issues being proposed and they freely give their consent by ballot vote. It is an inherent right of the General Assembly to delegate, or distribute, those powers and authorities granted to government among the respective offices, departments and agencies.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) It imposes a duty upon Ohio’s public officeholders or public servants to recognize and uphold the authority and intent of the Ohio Constitution as the controlling authority over all government functions; and
- (3) It imposes a duty upon the General Assembly and Ohio political subdivisions to modify all Ohio laws, as appropriate, to reflect and accommodate the legal distinction between Citizens and non-citizens.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) The state must formally recognize the legal distinction between Citizens and non-citizens (nationals, residents, and aliens) and their relevant relationships with and obligations to the state of Ohio. This may require an adjustment to the language or interpretation of some provisions of the Ohio Constitution and Revised Code to comply with the definition of terms stated, above;
- (2) The primary purpose of Ohio government is to protect the Rights and Liberties of the people. The Ohio Constitution would be an absolute guarantee of said Rights and Liberties. Said Rights and Liberties pertain to all people, not just Citizens. Rights and Liberties are not to be confused with state privileges, immunities, and benefits that apply only to Citizens and residents;
- (3) The state will have no authority to operate in any capacity beyond what is specifically granted by or through the Ohio Constitution; and
- (4) The legal principles of *Tacit Agreement* and *Acquiescence by Silence* cannot be relied upon nor applied by government to acquire any powers or authorities to enact or enforce any law or public policy, nor to neglect a clear duty. This does not include those laws which are enacted in compliance with the Ohio Constitution under the General Assembly’s duly granted powers and authorities. Rather, this requirement applies only to Ohio laws and other governing provisions established outside the authority of the Ohio Constitution.

§2 Government Created by, for and of the Citizens

Description

The Citizens of Ohio remain the exclusive authority to create, change or abolish Ohio government, at their own discretion. The General Assembly is directed to enact laws that provide Citizens with an effective process for doing so.

Citizens shall enjoy the right to reasonably monitor all activities of Ohio government. This means that all functions of government must be transparent and open to the public. There shall be no occasion whereby the public servants shall operate in secret away from reasonable public view and scrutiny while in the performance of their public duties and responsibilities. However, Citizens shall not become such a burden in said monitoring activities so as to prevent or unduly hinder public servants from thoroughly and efficiently performing their relevant duties and responsibilities.

The only purpose of Ohio government is to protect the individual Rights and Liberties of the people in Ohio. Ohio government cannot transform itself into any capacity that results in the state possessing an interest of its own or creates a beneficial interest in assets for others who are not Ohio Citizens. All state assets and other interests ultimately belong to the Citizens.

Citizens, as a matter of fundamental right, forever maintain their sovereign status over Ohio government.

Generally, Citizens must obey the laws of Ohio, but they have no duty to obey any law which is non-compliant with the provisions, purposes and intent of the Ohio Constitution. Since the Ohio Constitution acknowledges the duly established authority of the federal government, the Citizens must also comply with such laws that are compliant with the United States Constitution. Independent of one's duty under the Constitutions, all parties to a legally valid, binding and properly executed private agreement are obligated to satisfactorily perform their respective duties thereby created.

Whether or not mandated in Ohio laws, the Ohio Constitution requires that all Citizens and public servants govern their actions so that they do not injure or harm others or their property.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty upon the General Assembly to establish, as do not already exist, laws that provide Citizens the process to effectively create, alter or abolish Ohio government;
- (3) The duty upon the General Assembly to establish such laws as appropriate to provide Citizens with reasonable access to the functions, records, files and activities of public servants;
- (4) The duty upon Ohio government to make it their primary duty to protect the individual Rights and Liberties of all people in Ohio;
- (5) The duty upon the state to ascertain and restructure all state assets to the common beneficial interest of Ohio Citizens, and to rectify all matters whereby no existing beneficial interests are obligated to others who are not Ohio Citizens;
- (6) The duty upon government to cease and desist in all enforcement activities against people in Ohio whereby the relevant mandates, or resulting effects, are non-compliant with the Ohio Constitution;
- (7) The duty upon Citizens and public servants to govern their actions responsibly and in such a manner not to cause undue harm or injury to others or their property; and
- (8) The duty upon the General Assembly to reform Ohio laws to accommodate the distinction between Citizens and non-citizens and their duties or obligations with the state.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) Citizens will forever retain their sovereign status over Ohio government, and the processes to effectively create, alter or abolish Ohio government will be created in law;
- (2) Protection of the individual Rights and Liberties of the people will become the primary duty of Ohio government;

- (3) All interests in state assets will be rectified into the common beneficial interests of Ohio Citizens. Obligations owed by the state on such assets shall also transfer to the Citizens. However, obligations owed by the state in a private capacity not in the beneficial interests of the Citizens, pursuant to the Ohio Constitution prior to this amendment, shall not transfer to the Citizens, rather it shall transfer to whatever parties were positioned to benefit prior to such rectification. Accordingly, the state's public debts shall transfer to the Citizens, but its private debts not for the benefit of the Citizens, shall not. The current status of such obligations and assets must be ascertained to discover an equitable solution;
- (4) The people in Ohio will have no duty to comply with an unconstitutional law or the effects thereof. However, their duty to honor valid agreements shall remain; and
- (5) Citizens and public servants will be duty bound by the Ohio Constitution to not cause injury or harm to others or their property. Residents will be likewise bound. Nationals and aliens are bound in similar manner under natural law and the law of nations, and nevertheless, accountable for any injuries or harm they create on others or their property.

§3 State Independence and General Duty

Description

The state of Ohio shall operate as a republic form of government, implying that it shall maintain the integrity of its fundamental principles, purposes and intent while in the course of providing a system of representation of the Citizens through elected public servants. It shall never function as a democracy, aristocracy, totalitarian, oligarchy, dictatorship, monarchy, or any other form.

The state of Ohio shall enjoy its equal footing in the Union of the federated states comprising *The United States of America*, as stiled at Article 1 of the *Articles of Confederation*.

Government must exercise its granted powers and authorities in strict compliance with the Ohio Constitution and in a thorough and efficient manner so as not to waste the time or resources of the Citizens.

The state of Ohio maintains its sovereign status, with respect to the federal government and several states, over all its powers and authorities not delegated to the United States by or through the federal Constitution.

The state of Ohio has no duty to, nor shall it, uphold against the people in Ohio any federal mandate not in strict compliance with the federal Constitution.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty upon the state to remove, and refrain from using, all references implying that Ohio is a democracy or democratic society or anything else other than a republic;
- (3) The duty of Ohio government to function in a thorough and efficient manner and in strict compliance with the Ohio Constitution; and
- (4) The duty of the state to uphold and enforce its sovereign powers over federal government.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) All references that Ohio is a democracy, or any other form of government other than a republic, will cease;
- (2) Government will function efficiently and not waste the Citizens time or resources. It will complete its functions accurately and thoroughly; and
- (3) Ohio will exercise its authority and refuse to uphold against the people in Ohio any federal mandate not in strict compliance with the federal Constitution.

§4 Limitation of Powers and Authorities

Description

The Ohio Constitution conveys the fullness and utmost limitation to which the powers and authorities of government extend.

People's fundamental rights to Life, Liberty, Property, and the Pursuit of Happiness belong to all men and women, equally, and they are absolute, meaning that they exist and attach to each of the people by their mere existence. Many believe said rights are bestowed by their Creator, or God, and as such, they are outside the legislative authority of the state. The people possess an inviolate right to freely exercise their fundamental rights so long as they do not cause injury or harm to others or their property.

Said rights may not be lawfully deprived nor substantially limited by or through any governmental function, except when absolutely necessary for the health and safety of others. They are not subject to licensure or taxation by the state or any of its political subdivisions. Nor shall the state operate in any manner or conduct any activities that would substantially jeopardize the people's fundamental rights.

The state may regulate the manner in which the people exercise their fundamental rights only to the extent as minimally and reasonably necessary to prevent undue injury or harm to others or their property.

It is to be clearly understood that Ohio government shall not exercise any powers or authorities not expressly granted by or through the Ohio Constitution.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty upon Ohio government to cease all activities not within their duly granted powers and authorities; and
- (3) The duty of the General Assembly to reform Ohio laws to reflect government's limited powers and authorities over the Rights and Liberties of the people, taking into account the political status of Citizens versus non-citizens.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) Ohio government must cease operating on the premise that the powers and authorities of the state are unlimited except as restricted by the Ohio Constitution. The Constitution is to be interpreted and applied as the utmost limitation on the powers and authorities of government, not a restriction based on unlimited powers and authorities;
- (2) People will enjoy the free and responsible exercise of their fundamental Rights and Liberties necessary in their ordinary course of life. This means they may travel, work, play, acquire and use property, have free choice in how they protect their health and safety, raise and educate their families, and much more. They may do so without permission or licensure from the state, or being taxed for said enjoyment. The state may need to adjust its taxing strategy to accommodate the relevant changes, but it has no duty to do so;
- (3) Whereas it is a necessary right of every man and woman to secure and protect their Rights and Liberties from all trespassers from undue injury or harm, the Right of every man and woman to acquire and use every apparatus designed to be utilized for the lawful purpose of personal and community protection shall not be deprived, abrogated, infringed or otherwise interfered with. The use of such apparatus for protection from governmental abuse shall ever be preserved as a lawful purpose for the right to bear arms;
- (4) All regulatory laws enacted by the General Assembly may interfere with the people's Rights and Liberties only as reasonable and minimally necessary to protect people's health and safety;
- (5) All regulatory laws that adversely affect or limited the people from freely exercising their fundamental Rights and Liberties must be founded upon evidence that clearly demonstrates the necessary requirement for such laws to protect the public health and safety; and

- (6) No public servant may do anything in his public capacity not within his duly granted powers and authorities. This includes, among other things, making false or otherwise misleading representations or withholding of pertinent information that could result in a public servant or their agent exercising any power or authority that would otherwise not be proper under truthful pretenses.

§5 Contracts, Compacts and Treaties

Description

Ohio government shall never be granted any powers or authorities to benefit from any agreements, whether such agreements are public or private in nature, where such agreement would be contrary to the provisions, purposes, or intent of the Ohio Constitution.

Ohio government may not operate in any private capacity that is not designed to satisfy the interests and result in a benefit to Citizens within the scope of the Ohio Constitution.

The interests and benefit of Ohio Citizens is that Ohio government always act in compliance with the Ohio Constitution.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty of the state to refrain from all agreements that do not comply with the provisions, purposes, or intent of the Ohio Constitution. Whereas the state has never been granted such power or authority, all existing contracts, compacts and treaties not in compliance with the Ohio Constitution must be properly terminated; and
- (3) The duty of the state to cease participation in all activities not associated with its powers and authorities duly granted by and through the Ohio Constitution. This means that any private contracts, compacts, treaties, or other agreements with private individuals, other states or their agents, the federal government or its agents, or foreign parties not in compliance with the Ohio Constitution must be properly terminated. Proper termination of an agreement means adequately satisfying the state's obligations set forth in said agreements and terminating its participation therewith. Agreements founded upon a perpetual relationship, other than the federal Constitution, are considered unlawful, and withdrawal from such agreements must be perfected.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) The state of Ohio can not participate in any arrangements, no matter who the parties or what the purpose or in what capacity, if said arrangement is noncompliant or violative with the provisions, purposes, or intent of the Ohio Constitution. Such existing arrangements must be properly terminated.

§6 Constitutional Compliance of Laws

Description

Except for the few limited matters delegated to the federal government, there are no laws governing the operations or functions of the state of Ohio or its political subdivisions greater than the Ohio Constitution.

Ohio government shall not enact, apply or enforce any law or other governing provision that does not comply with the provisions, purposes and intent of the Ohio Constitution.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty upon public servants to acknowledge that the Ohio Constitution has authority over all other Ohio laws. Such acknowledgement would invoke the inherent duty upon all public servants to inquire or challenge any duty or responsibility that may appear to be noncompliant with the Ohio Constitution, and then govern their actions, accordingly; and

- (3) The duty upon the General Assembly and other government authorities to review the language and potential consequences of their respective proposed governing provisions, determine such provision's compliance with the Ohio Constitution, and adjust said provision, accordingly, before it is introduced for enactment.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) All public servants will acknowledge the Ohio Constitution as the supreme state law in Ohio; and
- (2) No law or other governing provision shall ever be created or applied against the people in Ohio that does not comply with the provisions, purposes, and intent of the Ohio Constitution.

§7 Well Defined Laws

Description

Every law or other governing provision shall expressly indentify by what powers and authorities granted by or through the Ohio Constitution it relies for its purposes and intent. Every such provision shall also clearly state who said provision applies to, taking into account the political status of Citizens and certain non-citizens and legal fictions.

Establishment of emergency laws and provisions is an extraordinary measure that may only be exercised when there is a clear and present danger of harm to the public. When an emergency provision is established, it must identify what reasonably obtainable conditions must exist for said provision to cease operation.

Whereas the people have a right and duty to know the law and its proper interpretation, the state of Ohio must create a dictionary that clearly and precisely describes all important legal terms and phrases. Said dictionary shall then be the official resource used in writing all laws and other governing provisions and for the interpretation of said terms and phrases as used throughout Ohio government. It will be the responsibility of the Ohio Secretary of State to make the said dictionary easily accessible to the people in Ohio.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty upon all government authorities to express in every relevant proposed law or other governing provision the Constitutional authority for said law or other governing provision;
- (3) The duty upon all government authorities to express in every relevant proposed law or other governing provision upon whom, with particularity, said law or other governing provision shall apply.
- (4) The duty upon all government authorities to express in every relevant emergency law or other governing emergency provision the nature and cause of said emergency and what reasonably obtainable conditions said emergency law or other governing emergency provision would cease to operate;
- (5) The duty upon the General Assembly, the Supreme Court of Ohio, and the Ohio Citizens Civil Enforcement Authority (as defined at Section 16 of this Article) to work together and to compose and maintain an official legal dictionary for Ohio. Said dictionary must clearly and precisely define all significant terms and phrases used in the composition and interpretation of all Ohio laws and other governing provisions; and
- (6) The duty upon the Ohio Secretary of State to make the official legal dictionary of Ohio widely available to the people in Ohio. This means that said dictionary would be considered an official publication of the state of Ohio and thereby the duty of the Ohio Secretary of State to record it and have it printed and made available to the public for review and purchase for a nominal fee to cover costs, as appropriate.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) The people will know upon what Constitutional authority every Ohio law and other governing provision is relying for its operation and upon whom it applies. They will be able to determine which laws apply directly to them and assess whether said law or other governing provision satisfies constitutional mandates;
- (2) When emergency laws are enacted, the people will have the ability to know what the nature and cause of the emergency is and upon what conditions it will cease. This will allow the people to govern their actions in a manner that may help to alleviate the said emergency;
- (3) Since everyone has a duty to know the law, then it must be written in a manner that they can understand. Generally, people are confused with legal terms and phrases. By constructing an official legal dictionary, the people will be more readily able to interpret the meaning and intent of the law and understand their duties, and thereby govern their actions more uniformly with the law; and
- (4) With a better interpretation and understanding of the law, the people will be empowered with the knowledge to comply with the law, protect their Rights and Liberties, decrease the risks their actions may impose on others and their property, and control government.

§8 Null and Void Laws

Description

Whereas it is a right and duty of the people to challenge abuses perpetrated by government and to protect their individual Rights and Liberties, the people in Ohio have the right to challenge any Ohio law or other governing provision on its face, whether or not they have yet been injured or harmed by said law.

The Supreme Court of Ohio shall develop a system and provide for the process by which the Constitutionality of any challenged Ohio law or other governing provision may be considered and a formal determination rendered. It is expected that said process would be conducted in a manner that would consider said challenges according to their impact on the people, both individually and as a society, applying any previous determinations on similar challenges.

When an Ohio law or other governing provision, whether by direct challenge or otherwise, is determined to be noncompliant with the provisions, purposes, or intent of the Ohio Constitution, the Supreme Court of Ohio shall deem said law or other governing provision to be unconstitutional, null and void and without legal force and effect, from its original enactment. And, all powers and authorities of the state affected thereby, whether directly or collaterally, shall be ordered to immediately cease until the said unconstitutional defect has been rectified and the said law or other governing provision has been determined by the Supreme Court of Ohio to be constitutionally compliant. Therefore, the Supreme Court of Ohio cannot relinquish jurisdiction in any matter resulting in or perpetuating an unconstitutional condition.

The Supreme Court of Ohio shall not avoid nor compromise its duty to the people in Ohio in rendering an unconstitutional determination for any reason, whether or not said determination shall have a negative impact or impose a burden on Ohio government or any public servant.

Once an unconstitutional condition has been determined, the people in Ohio shall be prominently notified. Likewise, when such condition has been cured, they shall again be notified.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty upon the Supreme Court of Ohio to establish and execute a system of process to provide people in Ohio a opportunity to challenge the constitutionality of any Ohio law or other governing provision and obtain a binding determination with the force and effect of law. Said system may provide for the assessment of challenges to determine their impact and effect, then executing such procedures as would be appropriate to protect the Rights and Liberties of the people;

- (3) The duty upon the Supreme Court of Ohio, when a determination of unconstitutionality is rendered, to issue an Order to the appropriate governmental bodies to immediately cease and desist in all enforcement activities affected, whether directly or collaterally, by the unconstitutional condition;
- (4) The duty upon the Supreme Court of Ohio to retain jurisdiction over all matters of an unconstitutional nature until such time that the condition has been rectified and the Supreme Court of Ohio has issued notice that the said unconstitutional condition has been resolved and no longer exists;
- (5) The duty upon the Supreme Court of Ohio to justly render all unconstitutional determinations without regard to any burden or negative impact said determination would have on any governmental body or public servant; and
- (6) The duty upon the Supreme Court of Ohio to cause that prominent notification to the people of any unconstitutional condition and its relevant consequences. And when said condition has been rectified, the court shall likewise cause notice to be issued regarding said condition and consequences.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) All people in Ohio shall have the authority to challenge any Ohio law in regard to its compliance with the Ohio Constitution, without having to have been directly injured by said law. Said challenge would be conducted through process established by the Supreme Court of Ohio;
- (2) When the Supreme Court of Ohio determines any Ohio law or other governing provision to be unconstitutional, it will issue an Order against the state to cease and desist all affected activities until such time that constitutional compliance can be established. During such time that the cease and desist Order is in effect, the state has no authority to enforce its powers and authorities with respect thereto;
- (3) When conditions warrant that the Supreme Court of Ohio make a determination that an Ohio law or other governing provision is unconstitutional, they will have the duty to render such determination independent of the consequences upon government or any public servant; and
- (4) The people shall be given notice in a conspicuous manner of an unconstitutional condition and its relevant effect upon the people. Similarly, the people shall be noticed when said condition has been rectified.

§9 State Duty Over Federal Powers

Description

The state has a duty to protect the people in Ohio and their property from any undue abuse perpetrated by the federal government. This duty lies upon all branches of Ohio government, whether they act separately or jointly. An undue abuse is defined as any action to apply, administer, or enforce any federal law or mandate without authority in strict compliance with the federal Constitution.

Actions taken by the state to protect the people could include both defensive and offensive measures, including but not limited to: (1) non-enforcement or non-compliance of a federal mandate; (2) negotiations between state and federal officials; (3) lawsuits against the offending federal entity; (4) legislative enactments or resolutions; (5) proposed actions initiated through Ohio Congressmen; (6) arrest and sanctions against federal offenders; (7) and in extraordinary circumstances, armed force.

The state of Ohio shall prohibit direct enforcement actions by federal agents against the people in Ohio. Instead, federal agents must enlist the services of the county Sheriff to arrest an offender and deliver him to a designated location, such as a county jail. Federal agents must present a valid judicial warrant and will be prohibited from direct involvement in the arrest.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty of Ohio public officeholders to be watchful of any encroachments by the federal government against the people in Ohio or their property, and when such behavior occurs, to take such actions as appropriate to protect the people and their property from all undue harm;

- (3) The duty of the state to be adequately prepared with the authority and resources necessary to protect the people in Ohio from undue federal encroachments;
- (4) The duty of county Sheriffs to validate all federal arrest warrants presented, to make such arrests, to deliver such offenders to federal agents, as circumstances properly dictate; and
- (5) The duty of county Sheriffs to intervene and prohibit enforcement actions by federal agents against people in Ohio or their property.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) The state of Ohio will take an active role to protect the people in Ohio and their property from actions perpetrated by the federal government or its agents which are violative to the federal Constitution or when a valid federal judicial warrant cannot be immediately produced;
- (2) The Sheriff shall be the sole authority by which all arrests on behalf of the federal government shall be executed against the people in Ohio or their property;
- (3) The Sheriff will be required to validate all federal arrest warrants before execution of any arrest for a federal offense;
- (4) The Sheriff will have authority to prohibit interference by federal agents in the arrest of people in Ohio for federal offenses. The Sheriff will intervene and deliver said offenders, as appropriate; and
- (5) When a federal offense alleged against the people in Ohio cannot be verified with a valid federal warrant, the Sheriff has the duty to protect the alleged offender and his property from arrest, intimidation, and interference by the federal government.

§10 Government Accountability; High Crimes

Description

No Ohio government office, department, or agent shall endorse, promote, allow, or otherwise permit any misconduct by public servants while in the performance of their public duties and responsibilities;

Laws shall be established to bring sanctions against public servants who knowingly and willfully participate in any activities that result in injury or harm to the people in Ohio. Sanctions shall be executed against perpetrators in accordance with the severity of the injury; and

Activities perpetrated by public servants with the intent to violate the purposes and intent of the Ohio Constitution shall be considered a high crime against the people in Ohio. High crimes means offenses that may be construed as felonies, rebellion, insurrection, sedition and treason.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty of all officiating and managing public servants to be watchful and to take such measures as necessary to prevent injury or harm to the people in Ohio as a result of misconduct by public servants while in the performance of their public duties and responsibilities;
- (3) The duty of the General Assembly to establish such laws as appropriate to regulate and provide sufficient penalties against public servants who cause undue injury to the people in Ohio. Undue injury means positive actions or the failure to perform such actions within the scope of their respective duties and responsibilities, which result in an abuse to any of the people in Ohio; and
- (4) The duty of the General Assembly to establish such laws to immediately remove from duty and take such other action as appropriate against public servants who knowingly and willfully violate the Ohio Constitution or their oath of office.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) All officiating and managing public servants will be held accountable to ensure that public servants within their control or influence do not abuse their respective public duties or responsibilities;

- (2) Laws shall be established whereby legal actions can be brought by the people against public servants who abuse their public powers and authorities. Remedies will be established for the immediate removal from office and sanctioning of those who knowingly and willfully violate the Ohio Constitution or their oath of office while in performance of their public duties and responsibilities; and
- (3) Public servants who knowingly violate the Ohio Constitution shall be held accountable and sanctioned for high crimes against the people in Ohio.

§11 Duty of Public Servants

Description

All public servants shall perform their public duties and responsibilities in a thorough and efficient manner so as to preserve the Rights and Liberties and to conserve the resources of the people in Ohio.

Every public servant, independent of their station, is duty bound to comply with the Ohio Constitution no matter what any other Ohio law or other governing provision may invoke or impose.

Every public servant shall have a constitutional duty to respond favorably to all relevant grievances and reasonable inquiries from the people in Ohio relating to their respective duties, authorities, and production of records.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty upon every public servant to perform their respective duties and responsibilities in a thorough and efficient manner that adequately fulfills their obligations to the people in Ohio;
- (3) The duty upon every public servant to uphold the Ohio Constitution while in the performance of their public duties and responsibilities, notwithstanding any other provision to the contrary; and
- (4) The respective duty upon every public servant to respond to grievances and inquiries from the people in Ohio.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) The people will be assured that Ohio government is executing its powers and authorities in a manner compliant with the Ohio Constitution and for the people's benefit;
- (2) Public servants will have a duty to uphold the Ohio Constitution while in the performance of their respective duties and responsibilities even if Ohio laws or other governing provisions impose a contrary duty;
- (3) The people in Ohio will be able to question and challenge the authority of public servants and to acquire public records, as reasonable, for any purpose they deem appropriate; and
- (4) Public servants must respond favorably to all reasonable inquiries from the people in Ohio.

§12 Enforcement of the Ohio Constitution

Description

The supreme duty of the Governor of Ohio is to monitor all Ohio government operations and to ensure that they comply with the Ohio Constitution in execution of their powers and authorities.

The office of Sheriff shall be elevated from a statutory or federal territorial authority to a constitutional authority under the Ohio Constitution, and it shall enjoy the supreme authority within its respective county of jurisdiction to enforce the Ohio Constitution and Ohio laws made in compliance therewith.

Sheriffs shall have authority to call into service other Sheriffs and people in Ohio as necessary to preserve the peace and protect the people of Ohio from undue injury or harm.

It shall be the duty of the courts and other tribunals to protect the people's fundamental Rights and Liberties and other constitutional protections in all judicial or administrative actions, whether or not they are expressly preserved in the proceedings.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The supreme duty upon the Governor of Ohio to monitor and ensure that all operations conducted by Ohio government and its agents are compliant with the Ohio Constitution;
- (3) The duty upon the state of Ohio to recognize the office of Sheriff as a constitutionally protected office in the executive branch of Ohio government;
- (4) The duty upon the General Assembly to modify and establish such laws appertaining to the office of Sheriff to comply with this Section of the Amendment;
- (5) The duty upon the Sheriff to exercise supreme authority to protect the people within his respective county and to enforce the Ohio Constitution and Ohio laws made in compliance therewith;
- (6) The duty upon the Sheriff to call into service other Sheriffs and people as appropriate to effectively perform its obligations to the people in Ohio; and
- (7) The duty upon the courts and tribunals within Ohio to guard and protect the fundamental Rights and Liberties and other constitutional protections of the people in Ohio from undue interference, whether or not the same have been expressly preserved in any judicial or administrative proceeding. And, that if the same have in any way been waived or forfeited by consent, that the source and cause of such waiver or forfeiture, and applicable remedies, be openly revealed by the court or tribunal.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) The Governor of Ohio shall be responsible and accountable to ensure that no element of Ohio government or its agents violate the Ohio Constitution;
- (2) The office of Sheriff shall be constitutionally protected, and the Sheriff shall be the supreme enforcement authority within his respective county;
- (3) The Sheriff shall have the authority to call upon reinforcements, as necessary, to fulfill its duties in protecting the people and upholding the Ohio Constitution and Ohio laws;
- (4) The fundamental Rights and Liberties and other constitutional protections of the people will be protected at all times in any judicial or administrative proceeding, whether or not the people expressly preserve the same. This would mean that those who are ignorant or negligent do not unwittingly waive or forfeit their fundamental Rights or Liberties or constitutional protections; and
- (5) When the people are unaware or have forgotten that they have waived or forfeited any fundamental Right or Liberty or other constitutional protection by consent, it shall be a duty of the court or tribunal to reveal the source and cause of such waiver or forfeiture and what remedies may be available.

§13 Preservation of Ohio Sovereignty

Description

Preservation of the Citizen's sovereignty over Ohio government, Ohio sovereignty over federal government, integrity of the Ohio Constitution, and the perpetuation of good government founded upon the principles of a moral society are all important to the people in Ohio and their posterity.

Therefore, Ohio government shall encourage and support certain principles to be taught in all schools within Ohio. Said principles are adequately enumerated within the text of the proposed amendment.

There can be no amendment to the Ohio Constitution or Ohio laws that could effectively surrender the people's sovereignty or Ohio sovereignty to any foreign power or private interest. Any attempt to do so could be considered an act of aggression against Ohio Citizens, punishable as a crime against the Citizens of Ohio.

Activities conducted by Ohio Citizens with deliberate intent to abolish this Constitution and Ohio government shall be a Right of the Citizens, not punishable as a crime when done in accordance with due course of law.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty upon Ohio government, generally, to support and encourage the enumerated principles which are deemed to be beneficial to maintaining the integrity of Ohio society and the Ohio Constitution;
- (3) The duty upon the General Assembly, that when involved in the establishment of laws appertaining to curriculum to be taught in the schools within Ohio, to emphasize those principles specifically enumerated in this proposed amendment and others of equally high standard and value; and
- (4) The duty upon the General Assembly to enact such laws to regulate and define appropriate sanctions concerning the introduction of Constitutional amendments and Ohio laws that could effectively destroy the people's sovereignty over the state or the state's sovereignty over the federal government.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) Ohio government (which also includes public school boards), when involved in the development of curriculum for schools within Ohio, shall emphasize, support and encourage principles that are designed to effectively preserve the integrity of Ohio society and the Ohio Constitution by promoting such principles that emphasize good government, high moral character, and personal integrity. Such principles have been identified within the proposed amendment, and they may be derived from whatever source available, whether of a religious, scientific, spiritual, common sense, or other nature so long as said emphasis is preserved; and
- (2) No Constitutional amendment or Ohio law can ever surrender the people's or Ohio's sovereign powers.

§14 Existing and Future Laws

Description

It can be reasonably established that many people in Ohio believe that government, both on the state and federal levels, has effectively operated outside the limits set forth and inherent in the existing language of the Ohio and federal Constitutions.

Therefore, pursuant to Article I, Section 2 of the Ohio Constitution, the Citizens of Ohio are hereby exercising their right to amend the Ohio Constitution. And, because the existing language of the said Constitution does not expressly provide for the principles set forth in the proposed amendment in a manner that clearly and prominently establishes the sovereign powers of the people and state of Ohio, an attempt is hereby made to establish a constitutional amendment that expressly provides for government accountability and containment.

Therefore, Sections 1 through 15 of the proposed amendment shall take precedence and be controlling upon all other provisions of the Ohio Constitution and the laws, rules, regulations, and other governing provisions of Ohio and its political subdivisions.

Whereas, it is an inherent duty of Ohio government and its laws to comply with the Ohio Constitution, all existing constitutional provisions, Ohio laws and other governing provisions shall be interpreted, created, amended, and enforced to comply with Sections 1 through 15 of this proposed amendment, or abolished, as appropriate.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty upon the executive branch of Ohio government and its agents to enforce the Ohio Constitution and Ohio laws and other governing provisions in compliance with the provisions, purposes, and intent of Sections 1 through 15 of this amendment;
- (3) The duty upon the General Assembly to cause that all existing and future laws, rules, regulations, and other governing provisions of Ohio and its political subdivisions be created, amended, or abolished in compliance with Sections 1 through 15 of this amendment; and

- (4) The duty upon the courts and tribunals of Ohio to interpret and apply relief and remedy in all judicial and administrative proceedings in compliance with Sections 1 through 15 of this amendment.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) There shall be no laws or other governing provisions existing, now or in the future, in Ohio and operating upon the government of Ohio or people in Ohio which are not compliant with the provisions, purposes, and intent of the Ohio Constitution, particularly Sections 1 through 15 of this amendment.

§15 Transition Period

Description

It has always been the intent of the Citizens of Ohio that government adhere to the Ohio Constitution while executing its powers and authorities. Many of the Citizens find that many current laws and other governing provisions of Ohio and its political subdivisions have become abusive to the Rights and Liberties of the people. Therefore, it has become necessary that the Citizens exercise their right to reform Ohio government in order to restrain and contain government to within its granted powers and authorities and to hold offenders to the Ohio Constitution accountable for their offenses.

However, the Citizens recognize that the mandates set forth in this amendment cannot be reasonably satisfied without adequate time for adjustment.

Wherefore, the Citizens shall provide a period of time, as set forth in Section 15 of this amendment, for Ohio government to take such action as appropriate to bring all operations of Ohio government and its laws and other governing provisions into full compliance with this amendment.

Failure of Ohio government to fulfill its duty as stated shall result in the Citizens retaining their power and authority, acting through the Ohio Citizens Civil Enforcement Authority, to complete such review and make such adjustments to Ohio laws and other governing provisions, as appropriate.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices;
- (2) The duty upon Ohio government and its political subdivisions to alter, amend, or repeal, as applicable and without delay, all existing laws and other governing provisions to comply with this amendment within four years of its effective date;
- (3) The duty upon Ohio government, in performing its duty as stated, to give priority to those laws and provisions that protect the rights, liberties, and principles of due process of and for the people;
- (4) The duty upon Ohio government to cease enforcement of said laws and provisions which have failed to satisfy Section 15 of this amendment, until such time compliance has been achieved; and
- (5) The duty upon the General Assembly, after ten years from the effective date of this amendment and after review by the Ohio Citizens Civil Enforcement Authority, to repeal and cease enforcement of all laws and provisions not compliant with this amendment.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) The state of Ohio and its political subdivisions shall amend or repeal all existing Ohio laws and provisions to comply with this amendment within four years after its effective date;
- (2) Ohio laws and provisions shall remain in effect, but subject to challenge, for the said four-year period, after which time those laws remaining and not determined to be compliant shall not be enforceable; and
- (3) The Ohio Citizens Civil Enforcement Authority shall, after ten years from the effective date of this amendment, retain authority to complete the tasks set forth upon the General Assembly.

§16 The Citizens Civil Enforcement Authority

Description

For purposes of establishing an authority whereby the Citizenry can monitor and constrain Ohio government within its constitutionally granted powers and authorities, the Citizens of Ohio hereby establish a private, independent, non-governmental, unincorporated association operating solely under the authority of the Citizens of Ohio.

Said Authority shall not interfere with the ordinary functions of government so long as said functions comply with the Ohio Constitution.

The Authority shall include a Board comprised solely of private Ohio Citizens who shall be pre-qualified through a specific testing procedure on aspects of government important to the interests and benefit of Ohio Citizens. All Board Members shall be elected by Ohio Citizens at the polls and serve no more than three four-year terms.

To reduce unfair practices in the election process, all Board Member candidates shall fund their campaigns solely from a central fund distributed equally among the candidates.

Said Authority, as a representative voice for the people in Ohio, shall be funded from the gross revenues of the state of Ohio in an amount not less than one-half of one percent (0.5%). Said funds shall be deposited into a trust account and used solely by the Authority to fulfill its purposes.

The Authority shall enjoy such powers and authorities as necessary to make its own rules and regulations, operating outside the ordinary jurisdiction of government, yet able to sue and be sued.

To reduce conflicts of interest with government, those participating in the functions of the Authority are limited in the types of government benefits they may receive.

The Authority shall have the duty to address the people's grievances and execute such activities as would be proper to protect the people's Rights and Liberties and constrain government to the Ohio Constitution.

The Authority shall have the power to propose initiatives and referendums to the people in Ohio and execute activities for the amendment or alteration of the Ohio Constitution and Ohio laws to satisfy a compelling interest of the Citizens.

The Authority shall have the power to do all things necessary for the administration of its activities, including calling to service such governmental authorities as appropriate to execute and enforce its powers and authority.

The sole purpose of the Authority is to serve in the best interests and benefit of the people in Ohio. Participants shall adhere to a Code of Conduct promulgated by the Board.

The Authority shall establish a system by which grievances from the people of Ohio may be assessed and remedy sought. To provide the people with immediate access, the Authority shall maintain a presence in every county throughout Ohio.

The Authority shall be directly involved in the creation and maintenance of an official state dictionary and give recommendations for matters pertaining to the preservation of good government and sovereignty.

The Authority and its participants shall enjoy immunity from suit while acting in good behavior, yet bound by Ohio laws and other governing provisions.

Every Board Member shall be bound by oath while in performance of his duties and responsibilities, and each shall conduct his affairs so as to preclude any breaches of moral turpitude.

To execute this Section of the amendment, authority shall be granted to the committee who introduced this amendment, under the supervision of the Ohio Attorney General.

Provisions are made for the administration and establishment of the Authority until such time the first Board has been established.

Effect on State Offices and Duties

This provision imposes the following:

- (1) It creates no new governmental offices. However, it does create a private Citizens association with the authority bring grievances and actions against public servants and government and to call into service government resources to enforce the Constitution. Said association will be funded from state revenues;
- (2) The duty upon Ohio government to acknowledge and respect the powers and authorities of the Ohio Citizens Civil Enforcement Authority, and to give aid according to its just purposes, as appropriate;
- (3) The duty upon the General Assembly and Supreme Court of Ohio to work in combination with the Authority to compose and maintain an official Ohio dictionary; and
- (4) The duty upon the Ohio Attorney General to monitor and supervise activities conducted by the committee who proposed this amendment, during the period from the effective date of this amendment until the first Board for the Ohio Citizens Civil Enforcement Authority can be satisfactorily established. Said duties would also include acting as Trustee over the Ohio Citizens Civil Enforcement Authority Trust account during said period. A Trustee Agreement would be created by said committee, when appropriate.

Consequences of Ratification

The consequences of ratification of this provision are:

- (1) There will be established an association of private Ohio Citizens charged with the duty to protect the Rights and Liberties of the people in Ohio and to monitor and constrain Ohio government to within its powers and authorities granted by the Ohio Constitution;
- (2) The people will have the ability to bring grievances with the force of the Citizenry;
- (3) The people will have immediate access within their own counties to remedy abuses perpetrated by government.
- (4) The people will have the financial, material, human, and legal resources available to bring grievances without subjecting themselves to substantial risk of loss of their own property, time, effort, and money.
- (5) The Ohio Attorney General will have supervisory authority to monitor and assist in the governing of the committee for establishing the Ohio Citizens Civil Enforcement Authority and its first Board. This will give comfort to the Citizens of Ohio that the said committee is effectively performing its duty and responsibility for said purposes.

PURPOSE AND INTENT

The purpose and intent of this proposed amendment to the Ohio Constitution is to express, in clear and concise terms, such provisions within the highest law of Ohio to mandate full and absolute compliance by government, and those serving in a public capacity, to the Ohio Constitution and Constitution for the United States, as duly established.

It is the opinion of this committee and many fellow Ohioans, by observation, that the current Ohio and federal governmental institutions are operating well outside their delegated authorities as established by the intent of our founding fathers. Such abuses have resulted in the usurpation of undue powers to the detriment of the people of this State.

Whereas, it is the duty of this government to protect the people of Ohio from all enemies, both foreign and domestic, we hereby proclaim that such duty shall be established in such terms that the people shall know for certain that the guarantees set forth in said Constitutions are, in fact, the supreme law of this land and that all members of such society and their public servants must act in compliance, thereof, while enjoying its benefits for a free society founded on minimum interference from government.

The most paramount duty of government is to protect the individual rights and liberties of the people, of which reasonable measures for public health, safety, and morals are a subset thereof. Government shall have no other interests of its own, and everything which government has the power to do, shall be done for the sole benefit of the people.

WHEREFORE, we propose the following language, upon the popular vote of the people of Ohio, be incorporated into the Constitution of the State of Ohio:

Text of Proposed Sovereignty Amendment to the Ohio Constitution

Rev. 3.8 – 11/04/2009

Be it resolved by the people of the state of Ohio,

ARTICLE XIV: SOVEREIGNTY; Powers and Authorities; Limitations

§1. Purposes and Intent of the Ohio Constitution

The Ohio Constitution represents the voice and will of the Citizens of Ohio for the establishment and operation of their public offices and body politic as a free society and state. It constitutes the fundamental controlling instrument upon which all powers and authorities of the state are dependent, and without which the state shall not act. The Ohio Constitution serves as a guarantee for the protection of individual Rights and Liberties for all people in Ohio, Citizen or not, equally and without prejudice. The intent of the Ohio Constitution is to adequately secure said Rights and Liberties with minimal governmental interference. The state of Ohio shall be granted no powers or authorities except by express provision of this Constitution, and such provisions shall be established only upon the knowledgeable consent of Ohio Citizens at the polls.

§2. Government Created by, for and of the Citizens

All political power to create, alter, reform, monitor or abolish Ohio government is vested in, and forever remains exclusively with, the Citizens of Ohio, whenever they deem it necessary. Provisions shall be established in law to effectuate the same. Ohio government is instituted for protection of the people's individual Rights and Liberties, for their exclusive benefit, having no other purpose or interest. Citizens, individually and collectively, rightfully preserve and perpetually maintain their sovereignty over the state. It is the duty of every Citizen to observe, uphold, and obey only those laws which are duly established in strict compliance with the purposes and intent of this Constitution. Notwithstanding said laws, this Constitution imposes a duty upon every Citizen and public servant to conduct himself in a manner so as not to result in any undue injury or harm to another or their property.

§3. State Independence and General Duty

The state of Ohio shall operate solely as a free and independent republic within the Union of federated states designated *The United States of America*, and its government shall faithfully, diligently, and prudently exercise the powers and authorities granted by and through this Constitution. Ohio preserves and maintains its sovereignty as a state of the Union, limited only by the *Constitution of the United States of America* and any applicable provisions of law established in strict compliance therewith.

§4. Limitation of Powers and Authorities

The powers and authorities granted to government by and through this Constitution shall be interpreted and applied, in all respects, as a binding limitation as to the ultimate and utmost extent to which such powers and authorities may be exercised. The fundamental Rights of every man and woman to Life, Liberty, Property, and the Pursuit of Happiness are common to all, absolute and necessary in the ordinary course of life, and they may be freely, yet responsibly, exercised. Said Rights shall not be deprived, abrogated, or encumbered through any form of licensure, taxation, or activities by the state or any political subdivision. Proper regulatory laws may be implemented as reasonable and minimally necessary to protect the public's health and safety, but only upon production of sufficient supporting evidence that clearly justifies such laws. Ohio government shall not usurp nor exercise any powers or authorities not specifically granted or authorized by or through this Constitution.

§5. Contracts, Compacts and Treaties

Ohio government shall not enter into or participate in or benefit from any contracts, compacts, treaties, or other public or private agreements contrary to the provisions, purposes, or intent of this Constitution. Ohio government shall have no powers or authorities to operate in any capacity of its own contrary to the interests and benefit of its Citizens.

§6. Constitutional Compliance of Laws

This Constitution is the supreme state law for Ohio. No law, rule, regulation or other governing provision shall be enacted, established, enforced or otherwise implemented contrary to the provisions, purposes, or intent of this Constitution.

§7. Well Defined Laws

No law, rule, regulation, or other governing provision shall be enacted or otherwise established or enforced that does not expressly identify the relevant authorizing provisions of this Constitution. Every such provision shall clearly and succinctly define, with particularity, its purpose and upon whom said provision shall operate. Emergency provisions may only be implemented under extraordinary circumstances to protect the people in Ohio from a clear and present danger, and they must clearly define both said emergency and upon what reasonably obtainable conditions said emergency will cease. It shall be the combined duty of the General Assembly, the Supreme Court of Ohio, and the Ohio Citizens Civil Enforcement Authority to compose and maintain an official dictionary for the clear and precise definition of all significant terms and phrases used within the laws, rules, regulations and other governing provisions of Ohio. Said dictionary shall be the official resource whereby all Ohio governing provisions shall be written and interpreted, and it shall be made widely available through the Ohio Secretary of State to the people in Ohio.

§8. Null and Void Laws

The constitutionality of every law, rule, regulation, or other governing provision of Ohio and its political subdivisions shall be subject to direct challenge, without cause, through the Supreme Court of Ohio. If said provision is determined to be noncompliant with this Constitution, it shall be deemed null and void and without legal force or effect, from its beginning, and all powers and authorities of the state affected thereby shall immediately cease until the constitutional deficiency has been corrected and the revised provision confirmed to be constitutionally compliant. Such determinations shall not be dependent upon any adversity created upon government. The resulting decision and state action shall be prominently noticed to the people. The Supreme Court of Ohio shall retain jurisdiction until such matters have been resolved.

§9. State Duty Over Federal Powers

It is a principal duty of the Ohio executive offices, the General Assembly, and the Supreme Court of Ohio, acting separately or jointly in their official capacity, to protect the people in Ohio from all undue interference or encumbrances perpetrated by or through the federal government. Said protection shall include both defensive and offensive measures, as appropriate under the circumstances, to ensure that no breach by the federal government or its agents causes harm or injury to the people in Ohio or to their Rights, property or interests within Ohio jurisdiction. No enforcement action shall be exercised by any federal agency against the people in Ohio except through the authority of the county Sheriff upon presentation of a valid judicial warrant, in which instance said Sheriff shall apprehend and deliver the accused to said agency at the county jail.

§10. Government Accountability; High Crimes

Ohio government shall not support nor tolerate any misconduct by public servants in the performance of their public duties and responsibilities. Any public servant who knowingly and willfully participates in activities resulting in undue injury to people in or of Ohio, shall be held accountable according to law, the severity of which shall be proportional to the resulting injury. Activities perpetrated intentionally contrary to the purposes and intent of this Constitution shall be considered as High Crimes against the people and prosecuted as such.

§11. Duty of Public Servants

All public servants shall faithfully, diligently, and prudently perform their respective public duties and responsibilities. Compliance with all relevant provisions of the Ohio Constitution is mandatory for all public servants and their agents while in the performance of their public duties and responsibilities. Every public servant shall be duty bound by this provision to answer all legitimate grievances and reasonable inquiries pertaining to the duties and authorities of their respective offices, and shall faithfully produce such specific public records in their care or control, as requested and appropriate.

§12. Enforcement of the Ohio Constitution

It is hereby declared and established that the supreme duty and responsibility of the governor of Ohio is to uphold and enforce the provisions, purposes, and intent of this Constitution and to ensure that all functions of government operate in compliance therewith. It is further established that the office of Sheriff shall be preserved by this Constitution as an integral part of the executive branch and ever remain a servant to the people in Ohio. The Sheriff shall have supreme authority to enforce this Constitution and Ohio laws made in compliance therewith within the county of his respective jurisdiction. Sheriffs may call into service Sheriffs of other counties and deputize Ohio Citizens for official service in times of emergency and other extraordinary circumstances to preserve the peace and protect the people in Ohio from undue harm or injury. In all suits and other official proceedings whereby the people's free exercise or preservation of their fundamental Rights and Liberties lies in jeopardy, it is the duty of all officiating judges, magistrates, commissioners and other similar officers, whether judicial or administrative, to be watchful for and to preserve the people's Rights and Liberties and other constitutionally guaranteed protections, in the course of rendering their assessments, decisions, and determinations.

§13. Preservation of Sovereignty and Good Government

Whereas it is in the best interests of the people in Ohio that the principles of good government, integrity of this Constitution, and perpetuation of a moral society be preserved for enjoyment by the people's posterity, it is hereby established that such principles be supported and encouraged throughout all schools in Ohio. Said principles shall include, among others of similar beneficial interest, the following: (A) perpetuation of absolute truth in all things; (B) maintenance of a high moral and ethical standard; (C) sharing of compassion, charity and spirituality; (D) promotion of creativity, courage, and individual responsibility; (E) development of mechanical skills, mathematics, and personal dexterity; (F) the application of law and the mechanisms of good government; (G) the joy of community, peace and tranquility; (H) the importance of good character, integrity, and honor; (I) and necessity of defense, preparedness, and preservation. Suggestions from the people pertaining to recommended educational curriculum may be submitted through the Ohio Citizens Civil Enforcement Authority.

To preserve the people's sovereignty and Ohio as a free and independent Republic state, there shall be no amendments to this Constitution nor laws created or amended by the Ohio General Assembly that would effectively deny, abrogate, transfer, forfeit, waive, or otherwise surrender or vitiate the fundamental principles and mandates set forth in the provisions of this amendment to any government foreign to Ohio or to any private individual, group or entity. Every attempt to subvert the fundamental principles so stated, unless by open notice and deliberate action from the Citizens clearly stating their intent to abolish this Constitution and Ohio government, shall be deemed an act of aggression against the Citizens of Ohio and is hereby strictly prohibited. Appropriate sanctions and penalties shall be enacted and brought against those so doing.

§14. Existing and Future Laws

All provisions of this Constitution and Ohio laws, rules, regulations, and other governing provisions shall be created, altered, reformed, abolished, interpreted, applied and enforced to comply with Sections 1 through 15 of this Article.

§15. Transition Period

Ohio and all its political subdivisions shall alter, amend, or repeal, as applicable and without undue delay, all existing laws, rules, regulations, and other governing provisions to fully comply with this Article within four years from the effective date of this amendment. Priority shall be afforded to those laws and provisions that protect the rights, liberties, and principles of due process of and for the people. All existing laws and provisions shall remain enforceable during said period but subject to challenge, and all those remaining and not determined to be compliant with this Article after said period, shall be unenforceable until such time they are determined to be compliant. Those remaining and not determined to be compliant after ten years from the effective date of this amendment and affording no beneficial interest of the people, as determined by the Ohio Citizens Civil Enforcement Authority, shall be repealed by the General Assembly and removed from the record, having no further legal force or effect. This provision shall expire upon complete satisfaction of the mandates of this provision.

§16. Citizens Civil Enforcement Authority over Government

There is hereby created an Ohio Citizens Civil Enforcement Authority for purposes of addressing grievances of the people in Ohio against state and federal governmental abuse and submitting recommendations to improve government. Said Authority shall not function as a substitute for the ordinary functions or operations of government. Said Authority shall be established in the following manner:

(A) CREATION

- (1) The Ohio Citizens Civil Enforcement Authority is a constitutionally established private, non-government and unincorporated Citizens association comprised of a non-partisan Board of seven private Ohio Citizens knowledgeable and qualified in fundamental matters pertaining to the functions of state and federal government, and others under their direction and control. Citizens serving in any governmental capacity shall be prohibited from seeking or occupying a position on said Board.
- (2) Said Authority shall be funded in an amount of not less than ~~one-half of one percent~~ (0.5%) of the gross revenues of the state. Said funds due at the beginning of each month shall be deposited or transferred by the Ohio Treasurer to an Ohio Citizens Civil Enforcement Authority Trust account maintained by the Board and used exclusively by the Board to fulfill its official purposes.
- (3) Each Board Member shall be elected by the Citizens of Ohio at the polls during the November general elections. A Board Chairman shall be elected by a majority vote of all Board Members within 14 days after commencement of the new term, which shall begin on the second Monday of January following said elections.
- (4) Each Board Member shall serve for a term of four years, alternating in succession every two years. The three Board Members elected during the first Board election having the least number of votes from the Citizens shall serve a term of two years. Every Board Member in good standing shall be eligible for re-election, but none shall ever serve more than three terms.
- (5) All funding for Board Member campaigns shall be provided solely from a central fund controlled by the Board and equally distributed among all eligible candidates. Unused balances from all campaign funds distributed to Board candidates shall be refunded, along with their accounting, to the said central fund no more than 30 days after the election.
- (6) Board vacancies shall be filled by qualified Citizens nominated and unanimously voted upon by the Board Members, as soon as practical, after each vacancy occurs. Every appointed Board Member shall serve until the next scheduled Board election.

(B) QUALIFICATION OF BOARD CANDIDATES

- (1) Any Ohio Citizen in good moral standing who is at least 35 years of age, with a high school education or higher, who can satisfactorily pass a written exam constructed and administered by the Board, who so desires and can produce at least 1,000 qualifying nomination signatures, shall be eligible as a Board candidate.
- (2) The Board qualification examination shall be comprised of multiple choice questions pertaining to general facts relating to American history, the American system of Republic government, Rights and Liberties of the people, the founding documents for the Ohio and federal governments, and other matters the Board deems appropriate for the benefit of the people.
- (3) All questions on the Board qualification examination shall be based on validated facts from historical and judicial records.
- (4) Any candidate may challenge questions on the examination by submitting said challenge to the Board within 10 days after receiving their exam results. Upon a successful challenge founded upon evidence, credit shall be properly bestowed and the candidate's score shall be adjusted, accordingly.
- (5) The first Board qualification examination shall be constructed and administered by the committee which proposed this amendment to the Ohio Constitution. Said committee will encourage the Citizens of Ohio to submit their questions and resources for inclusion in the said examination. Said committee shall assemble all questions, prepare said examination, conduct appropriate training, and administer said examination to all Board candidates prior to their qualified nomination for election.
- (6) Subsequent to the first election of Board Members, development and administration of Board qualification examinations shall be conducted by the Ohio Citizens Civil Enforcement Authority.

(C) POWERS AND AUTHORITIES

- (1) The Board shall have authority to establish its own rules and regulations in strict compliance with the purposes and intent of this Constitution. Said rules and regulations shall govern all activities performed by and through the Ohio Citizens Civil Enforcement Authority.
- (2) To maintain the people's sovereignty, the Board shall operate outside the general authority of state and federal government.
- (3) No Board Member, worker or agent for the Ohio Citizens Civil Enforcement Authority shall participate in or accept any governmental benefit program, while discharging his duties, which could create a nexus, obligation, or duty in conflict of interest with his said duties.
- (4) The Board shall have authority to negotiate the settlement of grievances against any entity of state or local government and, upon determination by the Board that such grievance has sufficient merit, bring suit against such entity and other appropriate parties in the Supreme Court of Ohio. In situations involving federal governmental abuse against people in Ohio, the Board shall have authority to file notices and demands with the governor and attorney general of Ohio to invoke appropriate actions.
- (5) Upon any determination by the Supreme Court of Ohio whereby remedy is due for a grievance brought by the Ohio Citizens Civil Enforcement Authority, the Board shall have the power and authority to invoke every necessary state agency into action for enforcement of said determination. The Supreme Court of Ohio shall be duty bound by this provision to issue a determination on every action brought by the Ohio Citizens Civil Enforcement Authority.
- (6) When, in the opinion of the Board, a grievance demonstrates that a substantial risk has occurred that jeopardizes a compelling interest of the people in Ohio, and remedy cannot be obtained from the Supreme Court of Ohio, the Board shall propose, by initiative or referendum, an amendment to this Constitution or relevant laws in response to the said grievance.
- (7) The Ohio Citizens Civil Enforcement Authority shall establish such procedures, acquire such resources and personnel, and call to service such state authorities as appropriate and necessary to effectively fulfill its purposes.

(D) DUTIES

- (1) It is the supreme duty of the Board to preserve and protect the Rights and Liberties of the people in Ohio from every undue deprivation or encroachment. Every Board Member, before execution of his respective office, shall execute a solemn and binding oath of allegiance, duty and service to the people in Ohio to faithfully, diligently, and prudently uphold the Ohio Constitution and Ohio laws made in compliance therewith.
- (2) A Code of Conduct shall be established by and for the Board, which shall be enforced by a Board Deputy who shall be appointed by majority vote of the Board Members within thirty days after each new Board term becomes effective.
- (3) The Board shall establish a system for accepting and qualifying valid grievances, determining what actions are appropriate under the circumstances, and implementing enforcement actions against appropriate governmental entities and other parties.
- (4) To efficiently and effectively acquire Citizens support on proposed initiatives and referendums and securing the voice of the people in the functions of Ohio government, the Ohio Citizens Civil Enforcement Authority shall establish and maintain a Citizens network of volunteers and others across the state of Ohio.
- (5) All activities conducted by the Ohio Citizens Civil Enforcement Authority are mandated to be in full compliance with the provisions, purposes, and intent of the Ohio Constitution.
- (6) The Board shall establish a presence in each county of Ohio whereby the people shall have ready access to information and services furnished by the Ohio Citizens Civil Enforcement Authority.

- (7) The Board shall attempt to resolve all grievances brought by the people in Ohio before any formal action is taken on behalf of said grievance in the Supreme Court of Ohio.
 - (8) It shall be a duty of the Ohio Citizens Civil Enforcement Authority to recommend and participate in matters pertaining to the preservation of individual and state sovereignty.
- (E) LIABILITIES
- (1) The Ohio Citizens Civil Enforcement Authority and its Board Members, workers and agents shall enjoy full immunity while acting in good faith in their normal course of operations.
 - (2) A breach of oath committed by any Board Member shall result in sanctions against said Member, in accordance with the same laws established for public servants.
 - (3) Every Board Member and others acting on behalf of the Ohio Citizens Civil Enforcement Authority shall be subject to the laws of Ohio to the same extent as they would be in their respective private capacities.
- (F) INTEGRITY
- (1) All Board Members of the Ohio Citizens Civil Enforcement Authority must maintain the utmost integrity to the purposes and intent of the Ohio Constitution. Breaches of severe moral turpitude shall result in removal of the perpetrating Board Member from his official duties through appropriate action by the Board Deputy and other Board Members.
- (G) EXECUTION
- (1) Execution of all provisions for implementation of the Ohio Citizens Civil Enforcement Authority shall commence within 90 days from the effective date of this amendment. Election of the first Board Members shall be conducted during the next November general elections following said effective date.
 - (2) During the course of time from enactment of this amendment and establishment of the first Board for the Ohio Citizens Civil Enforcement Authority, the committee that introduced this amendment to the Ohio Constitution shall administer the Ohio Citizens Civil Enforcement Authorities Trust account and have access to said funds, under the supervision of the Ohio Attorney General, for purposes of satisfying all matters pertaining to the establishment of the first Board of the Ohio Citizens Civil Enforcement Authority and other matters deemed appropriate for the advancement of said Authority.
 - (3) This Subsection 16(G) shall expire upon satisfactory implementation of the first Board for the Ohio Citizens Civil Enforcement Authority.

VERIFICATION

Pursuant to Article II § 1a of the Ohio Constitution and R.C. § 3519, I, the following signatory, do hereby attest that the accompanying petitions, which are to be incorporated in full with this submittal, have been collected in good faith with the intent of full compliance with the applicable provisions of law.

FURTHER, I hereby certify that said petitions represent the true interests of the people of Ohio in support of the proposed amendment, and that they have not been acquired by any means of deceit, misrepresentation, or inducement by payment or duress.

IN TESTIMONY WHEREOF, I do hereto attach my signature and state under solemn oath that these statements are true.

 12-22-2009

Richard McClaskey – Signatory/Testator
Committee Member

The PEOPLE'S CONSTITUTION COALITION OF OHIO

 12/22/09

Witness - Signature

EDWIN F. BEALE, JR.

Witness – Printed Name

 12-22-09

Witness - Signature

JAMES R. FLUGH

Witness – Printed Name