

County: Montgomery

Number: 00132

INITIATIVE PETITION

Amendment to the Constitution

Proposed by Initiative Petition

To be submitted directly to the electors

AMENDMENT

TITLE

Civil Action for Deprivation of Constitutional Rights Amendment

SUMMARY

This Amendment would add a new section 22 to Article I of the Ohio Constitution to create a civil cause of action for deprivation of constitutional rights. Allowing individuals to sue state and local government entities, including law enforcement agencies and educational institutions for deprivations of "rights, privileges or immunities" under the state Constitution.

More specifically, in addition to other provisions, this amendment would:

- Provides that a public body or individual employed by a public body, who under color of law, subjects or causes to be subjected, any other person to the deprivation of any individual rights that create binding obligations on government actors secured by the state constitution, is liable to the injured party for legal or equitable relief or any other appropriate relief.
- Provides for a person who claims to have suffered a deprivation of any rights, privileges or immunities pursuant to the constitution of Ohio due to acts or omissions of a public body or person acting on behalf of, under color of or within the course and scope of the authority of a public body may maintain an action to establish liability and recover actual damages, equitable or injunctive relief, or any other remedies prescribed by law or available pursuant to common law.
- Prohibits the use of qualified immunity as a defense to actions brought under this Amendment.
- Prohibits the use of statutory immunity as a defense to actions brought under this section.
- Not abrogate judicial immunity, legislative immunity, or any other constitutional or statutory immunity.
- Provides for the recovery of reasonable attorney fees and court cost for successful actions brought under this Amendment.
- Provides that statutory immunities and statutory limitations on liability, damages, or attorney fees shall not apply to claims brought pursuant to this Amendment.
- Requires records of all final judgments and settlements paid by the public body for claims made pursuant to this Amendment to be made, a copy of the complaint to be attached to each record, and to be made available consistent with Ohio Public Record Laws.
- Supersede any conflicting state and local laws, charters, and regulations or other provisions of the Constitution.

The Amendment contains a severability clause and defines "public body."

CERTIFICATION OF THE ATTORNEY GENERAL

This certification of the Attorney General, pursuant to Ohio Revised Code §3519.01(A), will be inserted when it is provided. This initial petition must be submitted with at least one thousand (1,000) valid signatures of Ohio electors before the Attorney General will issue that certification.

COMMITTEE TO REPRESENT THE PETITIONERS

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

| | |
|----------------|--|
| Cynthia Brown | 6191 Rossi Drive Canal Winchester, Ohio 43110 |
| Sabrina Jordan | 126 Wroe Avenue Dayton, Ohio 45406 |
| Kevin Kahn | 8747 Brooks Creek Drive, Apt. 2026, Cincinnati, Ohio 45249 |
| Alicia Kirkman | 7829 Eve Avenue Cleveland, Ohio 44102 |
| Marije Rivers | 2779 East Maynard Columbus, Ohio 43229 |

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 MOST RECENT 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 the headings printed above.)

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

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|---|--------------------------|---|------------------------------------|
| 1. Signature <i>Katherine M. Trigg</i> | | Print First Name <i>Katherine</i> | Initial <i>M.</i> |
| | | Print Last Name <i>TRIGG</i> | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) <i>618 TYSON AVE</i> | | | Ward/Precinct |
| City, Village, or Township <i>DAYTON</i> | Zip Code <i>45417</i> | County <i>MONTGOMERY</i> | Date of Signing <i>4/3/21</i> |
| 2. Signature <i>Shenita Jackson</i> | | Print First Name <i>Shenita</i> | Initial <i>N</i> |
| | | Print Last Name <i>JACKSON</i> | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) <i>944-3 Stewville Dr.</i> | | | Ward/Precinct |
| City, Village, or Township <i>Vandalia</i> | Zip Code <i>45377</i> | County <i>montgomery</i> | Date of Signing <i>4/3/2021</i> |
| 3. Signature <i>Sheila E. Smith</i> | | Print First Name <i>Sheila</i> | Initial <i>SES</i> |
| | | Print Last Name <i>Smith</i> | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) <i>5775 Dill Blvd</i> | | | Ward/Precinct |
| City, Village, or Township <i>Clayton</i> | Zip Code <i>45315</i> | County <i>Montgomery</i> | Date of Signing <i>4/3/21</i> |
| 4. Signature <i>Felicia Monroe</i> | | Print First Name <i>Felicia Monroe</i> | Initial <i>F</i> |
| | | Print Last Name <i>Monroe</i> | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) <i>8 Winding Hollow Trail</i> | | | Ward/Precinct |
| City, Village, or Township <i>Dayton</i> | Zip Code <i>45414</i> | County <i>Mont.</i> | Date of Signing <i>4/3/21</i> |
| 5. Signature <i>Jessie Young-Smith</i> | | Print First Name <i>Leslie</i> | Initial <i>NMS</i> |
| | | Print Last Name <i>Young-Smith</i> | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) <i>1439 KUMLEK AVE</i> | | | Ward/Precinct |
| City, Village, or Township <i>DAYTON</i> | Zip Code <i>OH</i> | County <i>Montgomery</i> | Date of Signing <i>4-3-21</i> |

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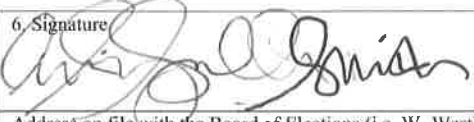
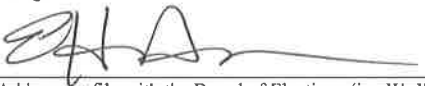


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| 6. Signature  | | Print First Name EMILY | Initial ES |
| | | Print Last Name SULLIVAN SMITH | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) 2477 S. PATTERSON | | | Ward/Precinct |
| City, Village, or Township KEENEHNG | Zip Code 45409 | County MONTGOMERY | Date of Signing 4/3/21 |
| 7. Signature  | | Print First Name ERIN | Initial EHA |
| | | Print Last Name Holscher Almazan | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) 546 Woodview Dr. | | | Ward/Precinct |
| City, Village, or Township Oakwood | Zip Code 45419 | County Montgomery | Date of Signing 4.3.21 |
| 8. Signature  | | Print First Name Anthony | Initial J |
| | | Print Last Name ALMAZAN | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) 546 Woodview Dr. | | | Ward/Precinct |
| City, Village, or Township OAKWOOD | Zip Code 45419 | County Montgomery | Date of Signing 4-3-21 |
| 9. Signature  | | Print First Name JEREMY | Initial |
| | | Print Last Name LOWE | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) 7. Forrer Blvd | | | Ward/Precinct |
| City, Village, or Township Dakota Montgomery | Zip Code 45419 | County Montgomery | Date of Signing 4/3/21 |
| 10. Signature Colleen Kelsey | | Print First Name Colleen | Initial CK |
| | | Print Last Name Kelsey | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) 7 Forrer Blvd | | | Ward/Precinct |
| City, Village, or Township Oakwood | Zip Code 45419 | County Montgomery | Date of Signing 4/3/21 |

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| 11. Signature  | | Print First Name Edmund | Initial JM |
| | | Print Last Name MERRICK | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) 246 oak st Apt C Dayton OH 45410 | | | Ward/Precinct |
| City, Village, or Township | Zip Code | County | Date of Signing |
| 12. Signature | | Print First Name | Initial |
| | | Print Last Name | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) | | | Ward/Precinct |
| City, Village, or Township | Zip Code | County | Date of Signing |
| 13. Signature | | Print First Name | Initial |
| | | Print Last Name | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) | | | Ward/Precinct |
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| 14. Signature | | Print First Name | Initial |
| | | Print Last Name | |
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| 15. Signature | | Print First Name | Initial |
| | | Print Last Name | |
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| 16. Signature | | Print First Name | | Initial | |
| | | Print Last Name | | | |
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| 17. Signature | | Print First Name | | Initial | |
| | | Print Last Name | | | |
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| City, Village, or Township | | Zip Code | County | Date of Signing | |
| 18. Signature | | Print First Name | | Initial | |
| | | Print Last Name | | | |
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| City, Village, or Township | | Zip Code | County | Date of Signing | |
| 19. Signature | | Print First Name | | Initial | |
| | | Print Last Name | | | |
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| City, Village, or Township | | Zip Code | County | Date of Signing | |
| 20. Signature | | Print First Name | | Initial | |
| | | Print Last Name | | | |
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| 21. Signature | | Print First Name | | Initial | |
| | | Print Last Name | | | |
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| 22. Signature | | Print First Name | | Initial | |
| | | Print Last Name | | | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) | | | | Ward/Precinct | |
| City, Village, or Township | | Zip Code | County | Date of Signing | |
| 23. Signature | | Print First Name | | Initial | |
| | | Print Last Name | | | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) | | | | Ward/Precinct | |
| City, Village, or Township | | Zip Code | County | Date of Signing | |
| 24. Signature | | Print First Name | | Initial | |
| | | Print Last Name | | | |
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| City, Village, or Township | | Zip Code | County | Date of Signing | |
| 25. Signature | | Print First Name | | Initial | |
| | | Print Last Name | | | |
| Address on file with the Board of Elections (i.e. W- West) and Street (i.e. Ave- Avenue) | | | | Ward/Precinct | |
| City | | Zip Code | County | Date of Signing | |

FULL TEXT OF THE PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article I of the Ohio Constitution is hereby amended to add the following Section:

Section 22. Civil Action for Deprivation of Constitutional Rights.

(A) Definitions.

For purposes of this Section:

(1) “Public Body” means any of the following:

- (a) Any agency, department, or an entity created by the constitution of Ohio or any branch of government that receives public funding;
- (b) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, police department, school district, or other political subdivision or local public institution;
- (c) Any committee or subcommittee of a body described in division (A)(1)(b) of this section.

(B) Claim for Violation of Rights Established Pursuant to the Constitution of Ohio.

A public body or person acting on behalf of, who under color of law, subjects or causes to be subjected, any other person to the deprivation of any individual right or rights which create binding obligations on government actors secured by the constitution of Ohio is liable to the injured party for legal or equitable relief or any other appropriate relief.

(C) Damages and Relief.

(1) A person who claims to have suffered a deprivation of any rights, privileges or immunities pursuant to the constitution of Ohio due to acts or omissions of a public body or person acting on behalf of, under color of or within the course and scope of the authority of a public body may maintain an action to establish liability and recover actual damages and equitable or injunctive relief.

(2) The remedies provided for in this section are not exclusive and shall be in addition to any other remedies prescribed by law or available pursuant to common law.

(D) Attorney Fees.

(1) Any action brought pursuant to this section, a court shall award reasonable attorney fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff to

have prevailed if the plaintiff's suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation.

(2) Statutory immunities and statutory limitations on liability, damages, or attorney fees shall not apply to claims brought pursuant to this section.

(E) Prohibiting the Use of the Defense of Qualified Immunity.

In any claim for damages or relief brought under this section, no public body or person acting on behalf of, under color of or within the course and scope of the authority of a public body shall enjoy the defense of qualified immunity for causing the deprivation of any rights, privileges or immunities secured by the bill of rights of the constitution of Ohio.

(F) Waiver of Sovereign Immunity.

The state shall not have sovereign immunity for itself or any public body within the state for claims brought pursuant to this section, and the public body or person acting on behalf of, under color of or within the course and scope of the authority of the public provided pursuant to the Ohio Constitution shall not assert sovereign immunity as a defense or bar to an action.

(G) Common Law Judicial, Legislative, or Other Established Immunity.

The prohibition on the use of the defense of qualified immunity and the waiver of sovereign immunity pursuant to this section of the constitution of Ohio shall not abrogate judicial immunity, legislative immunity, or any other constitutional or statutory immunity.

(H) Records of Claims.

Each public body shall maintain a record of all final judgments and settlements paid by the public body for claims made pursuant to this section and attach a copy of the complaint to each record. All judgments, settlements, and complaints are subject to disclosure pursuant to Ohio's public records laws.

(I) Conflicting Laws.

This Section shall supersede any conflicting state and local laws, charters, and regulations or other provisions of this constitution.

(J) Severability.

All provisions of this section shall be self-executing and severable.

STATEMENT OF CIRCULATOR

I, Ashley Jonas, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 11 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 person whose names they purport to be or of attorneys in fact acting pursuant of section 3501382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by

(Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

I further declare under penalty of election falsification 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.

A. Jonas
(Signed)

3325 Catalpa Dr
(Address of circulator's permanent residence in this state)

Number and Street, Road or Rural Route

Dayton
City, Village, or Township

OH 45405
State Zip Code

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