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APPROVAL—PETITION CONTAINING A PROPOSED CONSTITUTIONAL AMENDMENT AND SUMMARY OF THE SAME.

COLUMBUS, OHIO, July 1, 1936

CHARLES H. HUBBELL, ESQ., *10401 Almira Avenue, Cleveland, Ohio.*

DEAR SIR: You have submitted for my examination a written petition signed by one hundred qualified electors of this state containing a proposed constitutional amendment and a summary of the same under the provisions of Section 4785-175, General Code. It is proposed to amend the Constitution by adopting and adding to Article XVII twenty-three new sections, Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26.

SUMMARY OF PROPOSED AMENDMENT

(4) The proposed constitutional amendment declares that the people reserve to themselves the right and power of the recall; i. e., the right and power to end any public officer's term of office for which (subsequent to the effective date of the proposed amendment) he shall have been elected or appointed; and provides that the recall shall be in addition to impeachment and other methods of removal authorized by the constitution.

(5) The proposed amendment also provides that, when a recall petition shall have been filed with the secretary of state, demanding the removal from office of a public officer, it may not be withdrawn or revoked, and the secretary of state shall refer the question of the removal from or continuance in office of said public officer to the electors of the territory in or for which said public officer exercises his office; specifies the time (within certain limits) for holding recall election; provides that, if fifty per cent or more of the electors voting on the question shall vote "Continue," said public officer shall continue in office, and the question of his removal from or continuance in office shall not again within six months be referred to the electors; provides that, if more than fifty per cent of such electors shall vote "Remove," said public officer shall be removed from office, excepting that no public officer shall be removed from office unless the number of electors voting "Remove" shall be more than fifty per cent of the number who shall have voted at the most recent election for state officers; and provides for the manner of filling vacated offices in case the vote at any recall election shall result in removal or in case the public officer shall resign.

(6) The proposed amendment also sets forth certain restrictions against the reappointment or re-election (to the same or other offices) of

any public officer whose removal is demanded in recall proceedings and who shall be removed or who shall resign.

(7) The proposed amendment also sets forth certain details regarding public offices which shall be changed from elective offices to appointive offices.

(8) The proposed amendment also sets forth certain details regarding ballots to be used at recall elections.

(9) The proposed amendment also sets forth certain details regarding candidates and nominating petitions of candidates to be voted for at recall elections, and regarding time for filing such petitions.

(10) The proposed amendment also provides that no recall petition shall demand the removal of more than one public officer, and that no nominating petition shall contain the name of more than one candidate.

(11) The proposed amendment also specifies the number of signatures required on recall petitions and on nominating petitions, as follows: Of the number of electors who shall have voted in the territory at the most recent election for state officers—

For Recall Petitions

25% of the first 10,000 or lesser number

10% of the excess, if any, over 10,000

For Nominating Petitions

10% of the first 10,000 or lesser number

4% of the excess, if any, over 10,000

also sets forth certain other requirements and details regarding signatures on recall petitions and nominating petitions; and provides that, when any recall petition with the required number of signatures shall have been filed with the secretary of state, the question of removal from or continuance in office shall be referred to the electors.

(12) The proposed amendment also sets forth certain requirements and details regarding the petitioners and signatures on recall petitions and on nominating petitions and regarding information to be shown on such petitions; provides that the act of signing any such petition shall be irrevocable; provides that the invalidity of one or more parts or papers of any such petition or of one or more signatures thereon shall not affect the validity of other parts, papers or signatures; and provides that no law shall be enacted to prevent compensation being paid or received for circulating petitions, but that laws shall be passed to prohibit and penalize fraudulent practices in obtaining signatures or filing petitions.

(13) The proposed amendment also set forth certain requirements and other details regarding written announcements of intention to institute recall proceedings.

(14) (15) The proposed amendment also imposed upon the secretary of state certain duties regarding petitions and regarding an official docket of recall proceedings.

(16) The proposed amendment also sets forth certain restrictions and other details regarding recall petitions and time for filing same.

(17) The proposed amendment also sets forth certain requirements and other details regarding the form and general order of arrangement of recall petitions.

(18) (19) The proposed amendment also sets forth certain requirements and other details regarding the circulating and the filing of recall petitions and nominating petitions, and regarding affidavit to be attached to each part or paper of such petitions.

(20) The proposed amendment also makes certain declarations regarding the presumption of validity and sufficiency of recall petitions and of the signatures thereon; provides that under certain conditions fifteen additional days shall be allowed for the filing of additional signatures; and provides that in no event shall any recall election be delayed or prevented on account of any public officer's act of commission or omission or any inconsequential or technical defect in any petition or other instrument.

(21) The proposed amendment also provides that neither any recall election nor the result thereof shall be held to be unconstitutional, invalid or void on account of any public officer's act of commission or omission or on account of the insufficiency or invalidity of any petition by which said recall election shall be procured.

(22) The proposed amendment also defines the Supreme Court's jurisdiction in actions or proceedings regarding the validity or sufficiency of recall petitions or nominating petitions, or regarding the rights of petitioners, public officers or others under the recall provisions of the constitution.

(23) The proposed amendment also provides that, in all actions or proceedings regarding the validity or sufficiency of recall petitions or nominating petitions, or regarding the rights of petitioners, public officers or others under the recall provisions of the constitution, the burden of proof shall be upon the party or parties seeking to delay or prevent giving legal effect to any such petition or to delay or prevent any recall election.

(24) The proposed amendment also provides that, if it is sought to recall the secretary of state, the duties imposed upon the secretary of state by the recall provisions of the constitution shall be performed by the attorney general, and all petitions and other instruments required to be filed with the secretary of state shall be filed with the attorney general.

(25) The proposed amendment also provides that, if any recall election shall result in the continuance in office of any public officer, he shall be entitled to reimbursement for the aggregate amount legally paid

or incurred by him as expenses of said election, not exceeding one-third of the amount of his annual compensation; and provides that the amount of such reimbursement and all costs and expenses incident to any recall election shall be paid by the state out of the general revenue fund, and that no sponsor of any recall proceedings or no petitioner shall be chargeable with or liable for any part thereof.

(26) The proposed amendment also provides that the recall provisions of the constitution shall be construed liberally for the purpose of effecting their general intent and of preserving the rights and powers of the recall to the people; provides that laws may be enacted to facilitate the operation of the recall provisions of the constitution but that no law shall be enacted which hampers, impairs, limits or restricts any of the recall provisions of the constitution or any of the rights or powers reserved to the people; declares that all of the recall provisions of the constitution are mandatory and shall be self-executing; and contains a saving clause.

I am of the opinion that said summary is a fair and truthful statement of the proposed constitutional amendment and accordingly submit for uses provided by law the following certification:

“Pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, I hereby certify that the attached summary is a fair and truthful statement of the proposed amendment to the Constitution by adopting and adding to Article XVII twenty-three new sections, Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26. JOHN W. BRICKER, Attorney General.”

Respectfully,

JOHN W. BRICKER,
Attorney General.

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APPROVAL—CONTRACT FOR HIGHWAY IMPROVEMENT IN
BELMONT COUNTY, OHIO.

COLUMBUS, OHIO, July 2, 1936.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*