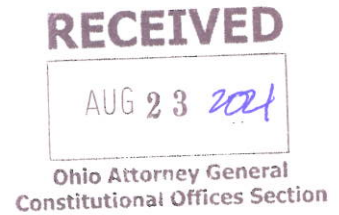




August 20, 2021

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




***RE: Civil Action for Deprivation of Constitutional Rights Amendment”
Summary Petition***

Dear Attorney General Yost:

On behalf of my clients, petition committee members, Cynthia Brown, Sabrina Jordan, Kevin Kahn, Alicia Kirkman, and Marcella Bailey, and pursuant to R.C. 3519.01(A), I am hereby filing with your office a petition to approve a summary of a constitutional amendment to be proposed by initiative titled Civil Action for Deprivation of Constitutional Rights Amendment. The revised summary fully addresses your correspondence on May 12, 2021.

The petition contains approximately 1,211 signatures from qualified electors, on 80 part-petitions part-petitions, the full text of the proposed amendment, and summary of it.

Please contact me at 740-231-2261 or c.patel@lawatcp.com if you have any questions. Thank you.

Very truly yours,

Chandni Patel

County: ~~Montgomery~~ Clark

Number: 00060

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:

- Provide for a public body or person acting on behalf of, who under color of law or within the course and scope of the authority of a public body 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 to be liable to the injured party for legal or equitable relief or any other appropriate relief.
- Provide for persons who claim 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 law 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.
- Prohibit the use of qualified immunity as a defense to actions brought under this Amendment.
- Prohibit the use of sovereign immunity as a defense to actions brought under this Amendment.
- Not abrogate judicial immunity, legislative immunity, or any other constitutional or statutory immunity.
- Provide for a prevailing plaintiff to be entitled to recovery of reasonable attorney fees and costs for successful actions brought under this Amendment.
- Provide for plaintiffs, in actions for injunctive relief, whose suit was a substantial factor or significant catalyst in obtaining the results sought by litigation under this Amendment, to recover reasonable attorney fees and costs.
- Provide statutory immunities and statutory limitations on liability, damages, or attorney fees shall not apply to claims brought pursuant to this Amendment.
- Require each public body subject to suit under this Amendment to maintain a record of all final judgments and settlements paid by the public body for claims pursuant to this Amendment and require each public body subject to suit under this Amendment to attach a copy of the complaint to each record.
- Require all judgments, settlements, and complaints arising under this Amendment to be subject to disclosure pursuant to Ohio public records laws.
- Supersede any conflicting state and local laws, charters, and regulations or other provisions of the Ohio Constitution.
- Provide for self-execution and severability of all provisions of this Amendment.

This Amendment 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
Marcella Bailey	2417 Brentnell Avenue Columbus, Ohio 43211

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) Definition.

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 or within the course and scope of authority of a public body, 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 law 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, Sabrina Jordan, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 3431 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.

Sabrina Jordan
(Signed)

126 Wroe Ave
(Address of circulator's permanent residence in this state)

Number and Street, Road or Rural Route

Dayton Ohio, Montgomery
City, Village, or Township

Ohio 45406
State Zip Code

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