



DAVE YOST

OHIO ATTORNEY GENERAL

Administration
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Via regular U.S. Mail and E-mail

January 31, 2020

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

Re: Submitted Petition for Initiated Constitutional Amendment to Amend Article V,
Section 1 of the Ohio Constitution — “The Secure and Fair Elections Amendment”

Dear Mr. McTigue,

On January 22, 2020, in accordance with Ohio Revised Code (“ORC”) Section 3519.01(A), I received a written petition containing (1) a copy of a proposed constitutional amendment to amend Article V, Section 1 of the Ohio Constitution, and (2) a summary of the same measure.

It is my statutory duty to determine whether the submitted summary is a “fair and truthful statement of the proposed law or constitutional amendment.” ORC Section 3519.01(A). If I conclude that the summary is fair and truthful, I am to certify it as such within ten days of receipt of the petition. In this instance, the tenth day falls on Saturday, February 1, 2020.

Having examined the submission, I am unable to certify the proposed summary for two reasons. First, the summary of the proposed constitutional amendment is longer than the proposed amended text itself. The Ohio Supreme Court has defined “summary” as “a short, concise summing up,” which properly advises potential signers of a proposed measure’s character and purport. *State ex rel. Hubbell v. Bettman*, 124 Ohio St. 24, 27-28 (1931). Indeed, the sole purpose of a summary is to accurately and concisely extract the language and effect of a proposed amendment and filter it into a synopsis that is easily understandable to a signer of the petition. A summary that is longer than the proposed amendment fails to meet “the spirit and purpose of the statute.” *Id.* (“There would manifestly be no point to having a summary in addition to the text itself unless the summary is just what the definition of the term expresses[.]”)

Second, the summary includes a paragraph of text that is not included in the proposed amendment. A summary that contains extraneous information that is outside the text of the amendment does not accurately reflect the contents of the amendment.

For these reasons, I am unable to certify the proposal.

Yours,



Dave Yost
Ohio Attorney General

cc: Committee to Represent the Petitioners

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