

PROPOSED AMENDMENT
to the
CONSTITUTION OF THE STATE OF OHIO

by
INITIATIVE PETITION

ATTORNEY GENERALS OFFICE

APR 23 2010

RECEIVED
CONSTITUTIONAL OFFICES

Titled
OHIO SOVEREIGNTY AMENDMENT

Submitted by
The PEOPLES CONSTITUTION COALITION OF OHIO

April 23, 2010

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OHIO SOVEREIGNTY AMENDMENT

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. § 3519.01(A), 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. § 3519.01(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.

On December 21, 2009 the Committee resubmitted a newly revised proposed amendment with approximately 1,700 signatures attached. The said amendment included a completely new *Summary* based on satisfying the qualifications stated in the Attorney General's rejection letter. Every attempt was made to satisfy the qualification requirements with sufficient information so as to adequately address each element of the proposed amendment.

In addition to revising the *Summary*, the Committee took advantage of the opportunity to rewrite the amendment to include additional provisions deemed necessary to further secure and protect the people's sovereignty and that of the state of Ohio. Said provisions included introduction of an Ohio Citizens Civil Enforcement authority, a private Citizens' association whose primary purpose is to enforce the Constitution and bring suit against government and public servants who violate it. Education parameters were also introduced as a measure to protect the people's sovereignty and the principles of good government through teaching of virtuous principles to our children.

On December 30, 2009 Richard Cordray, Ohio Attorney General, again rejected the proposed Ohio Sovereignty Amendment. His reason for said rejection was that the *Summary* did not qualify as a "short, concise summing up', which will properly advise those who are asked to either sign the petition or to support the amendment at the polls of the character and of the purports of the amendments without the necessity of perusing them at length." Since the relevant law pertaining to the *Summary* is completely void of any language that would constitute any form of specification as to length and other criteria other than a "fair and truthful statement", the Committee has been without sufficient information to properly address these matters.

After careful consideration and personal conversations with the Attorney General's office, the Committee decided to completely rewrite the proposed amendment in a more logical and sequential format and construct a short and concise *Summary*, in narrative form, to address all the issues presented by the Attorney General in his rejection letters.

Additionally, upon presentment and solicitation of recommendations and concerns by the people over the provisions of the amendment, the Committee refined the language to include several additional important matters of sovereignty, particularly those of Jury Nullification, a Recall process, transfer of education to the local level, emergency law enhancements, and renaming of the Ohio Citizens Civil Enforcement Authority to the Peoples Constitution Council.

The revised proposed OHIO SOVEREIGNTY AMENDMENT and *Summary*, Revision 4.2, was finalized and implemented on January 27, 2010. Approximately 2,016 qualifying signatures from the people were collected anew and are attached to this submittal in pursuit of certification, and surrendered to the Attorney General on this 16th day of March, 2010.

On March 26, Richard Cordray once again rejected the OHIO SOVEREIGNTY AMENDMENT. It was recorded in his rejection letter that 2,026 signatures were submitted on 312 part-petitions, and that 1,739 (86%) of the signatures were verified.

There were numerous references for disqualification of the *SUMMARY*. All comments pertained to inconsistencies in terms and language between the *SUMMARY* and amendment text. Of particular interest was the provision regarding public inspection of public records, whereas stated, private information on individuals could be made readily available for public dissemination. PCCOH took special cognizance of this point as a valid controversy and has since modified the relevant language.

As a result of all the information gathered from the Attorney General through the three rejection letters, PCCOH performed a comprehensive research exercise of the Ohio Constitution, Ohio Revised Code, decisions by the Supreme Court of Ohio, Attorney General Opinions, and the said rejection letters and composed a thorough list of all specifications they could discover pertaining to the construction of a valid *SUMMARY* statement. The PCCOH Committee then assembled and reviewed this information and reviewed the latest *SUMMARY* and amendment text, line by line and word by word, noting all inconsistencies and making appropriate adjustments to accommodate all the criteria.

Also, PCCOH would like to comment that every effort has been made to constrain the *SUMMARY* to two pages or less, as a result of discussions directly with the Attorney General's office. However, the Ohio Revised Code specifies a 10 pt. font. Therefore, the *SUMMARY* contained herein has been formatted using the 10 pt. font, resulting in the *SUMMARY* being 3 pages in length, as compared to 4-1/2 pages for the amendment text.

The most notable change to the proposed OHIO SOVEREIGNTY AMENDMENT in Rev. 5.2 is the removal of the provision establishing the PEOPLES CONSTITUTION COUNCIL. This has been the most controversial provision by the people, and though deemed by PCCOH to be very important for enforcement of the Constitution, it has been decided to remove this provision in anticipation of revisiting this issue in a separate amendment.

The result of this exercise has resulted in a reconstruction of the amendment text into a format that is easily readable, well organized, specifically titled, and which accommodates enhancements to the text that favorably reflects the Attorney General's comments. Additionally, the *SUMMARY* was rewritten to reflect the new amendment structure, with minute detail given to ensure consistency of terms and accurate conveyance of the amendment language and intent. PCCOH considers the current version (Rev. 5.2) of the amendment and *SUMMARY* to be the best, yet, and every provision has been constructed in support of the single subject, "SOVEREIGNTY".

This revised version of the OHIO SOVEREIGNTY AMENDMENT and *SUMMARY*, Revision 5.2, was finalized and implemented on April 9, 2010. Approximately 2,130 qualifying signatures from the people were collected anew and are attached to this submittal in pursuit of certification, and surrendered to the Attorney General on this 23rd day of April, 2010.

WHEREFORE, we hereby submit our fourth *Summary* for a newly revised proposed OHIO SOVEREIGNTY AMENDMENT to the Ohio Constitution. This *Summary* is intended to be a fair and truthful, short and concise, accurately conveyed statement of the proposed amendment based on criteria that PCCOH has discovered from the said resources.

End of Historical Overview.

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 of America, 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, therewith, while enjoying its benefits for a free society founded on minimal 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.

It is the objective of this proposed amendment to define, preserve, protect, maintain and enforce the people's individual sovereignty and the sovereignty of the state of Ohio over the federal government. Such provisions must be incorporated within the Ohio Constitution that provides express authority and process whereby the people can fulfill their duty to enforce governmental compliance with and accountability to the Ohio and federal Constitutions.

WHEREFORE, we propose the following text of the OHIO SOVEREIGNTY AMENDMENT be ratified by the popular vote of the people of Ohio and incorporated into the Constitution of the State of Ohio.

End of Purpose and Intent.

Summary of Proposed OHIO SOVEREIGNTY AMENDMENT to the Ohio Constitution

Amendment Rev. 5.2 – 04/09/2010

The ultimate purpose of this proposed *Ohio Sovereignty Amendment* is to peacefully reclaim our constitutional heritage and mandate that government maintain its integrity within the narrow parameters of our state and federal Constitutions. To assure governmental compliance, we hereby invoke the rule of law and mechanisms of government to exercise the sovereign powers of Ohio Citizens over the state of Ohio and the sovereignty of Ohio, as an independent nation state within the federal Union, over the government of the United States. This proposed amendment is designed to render null and void and unenforceable all unlawful or unauthorized usurpations of power and interference by the governments of Ohio and of the United States against the people in Ohio, and to establish new protections for the peoples' happiness and prosperity through the continued success of our duly established system of government, as was originally intended.

Section 1 of this amendment sets forth the **Foundation of Sovereign Powers**, and:

- (A) expressly declares that the Ohio Constitution represents the voice and will of Ohio Citizens and is the fundamental controlling instrument over Ohio government. The Constitution is the source of all governmental powers and authorities. It secures the Rights and Liberties of individuals and is binding on all public servants. Its intentions are to minimize governmental interference in the exercise of the people's Rights and Liberties, to mandate state protection of said Rights and Liberties, and to mandate that Ohio government operates to assure the best interests of Ohio Citizens for their happiness and prosperity and to have no interests of its own;
- (B) expressly declares that Ohio Citizens retain sovereignty over the state and their authority to alter or abolish government;
- (C) declares that Ohio retains its sovereignty over the federal government and mandates that the state shall protect the people in Ohio from all unconstitutional interference from federal government, as appropriate.
- (D) restricts Ohio to operate only as a free and independent republic in the federal Union. It mandates that government must faithfully exercise all its powers and in a diligent and prudent manner;
- (E) declares that the fundamental Rights of every man and woman in Ohio are Life, Liberty, Property, the Pursuit of Happiness, and other Protections secured by this Constitution. It declares that these Rights are common, absolute and necessary. It declares that these Rights cannot be licensed, taxed or otherwise encumbered or waived. It mandates that all fundamental Rights must be equally administered and enforced; and
- (F) preserves the state's authority to regulate and tax commerce and matters of luxury and excess.

Section 2 of this amendment establishes the **Limitations on State Sovereignty**, and:

- (A) declares that the state shall exercise no powers not expressed in this Constitution. It mandates that all provisions of this Constitution must be established by the knowledgeable consent of Ohio Citizens at the polls. It prohibits Ohio from usurping any powers or authorities, or from operating in its own capacity or contrary to the collective interests of the Citizens within the scope of the Constitution;
- (B) declares that Ohio shall comply with the federal Constitution, as strictly construed, and federal laws in compliance therewith; and
- (C) prohibits any public or private person or entity, while operating in a public capacity, from participating in any manner of contract, compact, treaty or other agreements which conflict with the provisions, purposes or intent of this Constitution.

Section 3 of this amendment establishes mechanisms for the **Preservation of Sovereignty**, and:

Part (A) - Establishment, Interpretation and Enforcement of Laws:

- (1) expressly declares that the Ohio Constitution is the supreme law for Ohio. It mandates that all laws and other governing provisions must be compliant with this Constitution, identify their relevant authorizing constitutional provisions, clearly and succinctly identify their purposes and upon whom they operate, and without ambiguity, before they may be established or otherwise applied. It establishes that this Constitution and all laws and other governing provisions in Ohio must be interpreted and applied in favor of the people;
- (2) establishes a new duty upon the Supreme Court of Ohio to accommodate constitutional challenges to the law, and it secures the right to challenge any law or other governing provision, even without cause, upon showing of viable constitutional merit;
- (3) authorizes the establishment of regulatory laws as are reasonable and minimally necessary to protect the public's actual health and safety, but only if they can be justified with evidence;
- (4) authorizes the establishment of emergency laws under extraordinary circumstances and when a clear and present danger exists to the people. It mandates that emergency laws must clearly define the emergency and how it will cease, and that the state must diligently seek to resolve the emergency; and

(5) proclaims the responsibility of Citizens to know and understand the law, and therefore establishes a new duty on the General Assembly and Supreme Court of Ohio, working together, to compose and maintain an official dictionary which shall be used in writing and interpreting all Ohio laws and incorporated into the law by reference. It further mandates a new duty upon the Secretary of State to make said dictionary readily available to the people.

Part (B) - Suspension of Laws:

- (1) grants new powers to the Supreme Court of Ohio to suspend, abolish or vacate any law or other governing provision it deems to be unconstitutional, thereby suspending the state's powers to enforce such laws, by constitutional authority. It mandates the Supreme Court of Ohio to render such decisions independent of any adversity it may cause upon the state or any public servant, and to retain jurisdiction over the said matters until resolved. It mandates that the people must be prominently notified by the said court of its decisions of unconstitutionality and subsequent actions and consequences;
- (2) mandates that juries may be comprised only of Ohio Citizens and establishes the right for juries to hear both the facts and law of the case and, upon a three-fourths majority vote, to suspend or nullify the law of the case to preserve justice. It declares that said right is absolute and outside the discretion of the court. It mandates the court to instruct each jury of its right of nullification; and
- (3) secures the powers of Citizens to suspend, abolish or vacate any law or other governing provision or resolution by initiative process.

Part (C) – Governmental Compliance and Accountability:

- (1) emphasizes the state's duty to ensure that governmental misconduct shall not be tolerated, and that intentional acts perpetrated by public servants against this Constitution shall be considered High Crimes and prosecuted as such by the Ohio Attorney General;
- (2) establishes for Ohio Citizens the new power to recall any elected or appointed public officeholder, whenever they deem it necessary. It declares that the recall process shall be executed by petition and is perfected when sufficient qualifying signatures have been submitted and verified by the Secretary of State. It mandates that the Secretary of State shall immediately notify the local Sheriff, who shall then Order, remove and bar the recalled public officeholder from office, by authority of the Ohio Citizens;
- (3) declares that vacancies created by recall shall be filled by appointment from the Governor from candidates nominated by the Citizens. It further prohibits anyone recalled or compelled from public office from future service as a public servant or receiving any state benefits. It declares that recall is final, without recourse or immunity from liability;
- (4) declares that no public servant shall be immune from recall, prosecution or punishment for violating the Constitution, and the said punishments shall be proportional to the violation, according to law; and
- (5) mandates that all public servants shall faithfully perform their public duties in a diligent and prudent manner. It mandates that public servants must answer legitimate grievances and reasonable inquiries, produce specific public records, and are subject to penalty if they violate their oath to support this Constitution.

Part (D) – Enforcement of the Ohio Constitution:

- (1) declares and establishes that the supreme duty of the Governor and Attorney General is to uphold and enforce the Constitution and ensure that government operates in compliance therewith;
- (2) establishes that the office of Sheriff shall be constitutionally preserved, and that the Sheriff remains a servant of and to the people. It declares that the Sheriff's principle duty is to support this Constitution and compliant laws, and that he shall have supreme governmental authority to enforce the Constitution within his county. It provides that Sheriffs may recruit other Sheriffs or Citizens under extraordinary circumstances to preserve the peace and protect the people;
- (3) prohibits federal or foreign agencies from enforcement activities in Ohio except through the Sheriff, who shall apprehend and deliver the accused, only upon a valid judicial warrant. It declares that the Sheriff may rely on federal or foreign assistance at his sole discretion;
- (4) establishes a new duty upon judges and others to preserve the people's fundamental Rights in the course of rendering judgments and other duties;
- (5) substantially redefines the people's Right to bear arms. It proclaims that the Right to bear arms is fundamental, and its purpose is to forever secure the people's sovereignty and ability to provide for and protect themselves and others. It declares that the said Right includes the acquisition, possession, carrying, trading and utilizing of any manner of arms, weapon, personal armament and other devices and munitions designed for personal use. It excludes explosives, biological and chemical systems from the said Right. It prohibits interference with said Right except by due course of law and conviction for assault with a deadly weapon in a High Crime. This amendment secures the peoples' Right to operate their militia; and

(6) mandates that the state encourage and promote the people's free exercise of personal protection, preservation, preparedness and defense.

Part (E) – Sovereignty through Education:

- (1) mandates that, to preserve and maintain sovereignty, the state shall encourage and promote principles of good government and this Constitution, and of a moral and ethical society, be supported in all schools in Ohio, and nothing to the contrary. Some general examples of beneficial principles are identified in this section of the amendment; and
- (2) transfers the duty of regulating the curriculum and operations, except funding, of public schools solely to the local school district level.

Part (F) – Governmental Transparency

This provision mandates governmental transparency by securing the right of Citizens to monitor, inspect and audit all Ohio functions, and to inspect and disseminate its books, records and operations under reasonable conditions, excluding matters exclusively private in nature. However, it does not protect, upon just cause, private matters on the public record from discovery of material evidence in suit.

Part (G) – Subversion of the Constitution:

This provision emphasizes the critical importance of sovereignty to Ohio Citizens. It declares that every attempt to subvert this Constitution, except by the Citizens, shall be deemed an act of aggression and is strictly prohibited. It mandates that sanctions and penalties be enacted and brought against those so doing, and that deliberate or substantial subversive acts are not pardonable or otherwise absolvable by the Governor.

Part (H) – Maintenance of Laws:

- (1) mandates that all future laws and other governing provisions in Ohio, and their interpretation, be compliant with this amendment; and
- (2) establishes a strict 4-year period within which all existing laws and other governing provisions in Ohio must be brought into compliance with this amendment, or repealed, with priority given to such laws which protect the Rights, Liberties and principles of due process of and for the people. It declares that during said time period, existing laws shall remain in force, unless defeated upon a meritorious constitutional challenge. It mandates that all laws failing to be reviewed or amended shall be repealed by operation of law, and that any outside interference with this process, except in open public forum, shall be strictly prohibited. It mandates a new duty upon the state to provide the resources necessary to satisfy this provision.

This presentation contains no “words of art” or terms of special meaning beyond their standard application.

The consequences of ratification include:

- (1) affirmation of the sovereignty of Ohio Citizens over the state and state sovereignty over the federal government;
- (2) mandates for strict governmental compliance with the Ohio Constitution;
- (3) sanctions, prosecution, penalties, and removal from office against public servants who violate the Ohio Constitution or their oath to support the Constitution or who perpetrate acts of misconduct while performing their public duties and responsibilities;
- (4) introduction of new powers and protections for the people in Ohio to directly hold government accountable to the Ohio Constitution;
- (5) the state will be refrained from exercising any powers beyond that which has been expressly granted by the Ohio Constitution;
- (6) the state must protect the people in Ohio from all unconstitutional interference from the federal government;
- (7) establishment of additional duties upon the state and public servants that protect the people's Rights and Liberties;
- (8) establishment of such measures that will ensure the preservation of our constitutional system of government and the people's happiness and prosperity;
- (9) placing a significant burden upon government for a period of time as it adjusts its operations to comply with the mandates of this amendment; and
- (10) restoring constitutionally compliant government in Ohio and revitalize the spirit of freedom and independence of Ohio Citizens.

This amendment does not:

- (1) support or promote secession from the American Union of states;
- (2) support or promote the overthrow or abolishment of state or federal government;
- (3) challenge the constitutional authority of the federal government;
- (4) constitute an act of sedition or rebellion against the duly established institutions of state or federal government;
- (5) establish any authority or oppression over any gender, race, religion or culture;
- (6) impose any unreasonable duty or mandate upon government or any individual public servant; or
- (7) constitute an intent or act of aggression against any government.

End of Summary.

Text of Proposed OHIO SOVEREIGNTY AMENDMENT to the Ohio Constitution

Rev. 5.2 – 04/09/2010

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

ARTICLE (): SOVEREIGNTY: Duties, Powers and Authorities; Compliance and Accountability

§1. Foundation of Sovereign Powers

(A) 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 state government. 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. It secures and guarantees the individual Rights and Liberties for all people in Ohio, Citizen or not. It operates as the supreme binding agreement upon all public servants while in performance of their public duties and responsibilities. Its intentions are to secure said Rights and Liberties with minimal governmental interference in the exercise thereof, to mandate the state's protection of said Rights and Liberties, and to mandate that Ohio government shall operate to assure the best interests of Ohio Citizens for their happiness and prosperity and shall have no interests of its own.

(B) Sovereignty of Ohio Citizens

Ohio Citizens perpetually retain their individual and collective sovereignty over the state and their collective authority to alter or abolish government.

(C) Sovereignty of the State

Ohio perpetually retains its sovereignty over the federal government. It is a principal duty of the state of Ohio to exercise all measures appropriate under the circumstances to protect the people in Ohio from all unconstitutional interference by the federal government or its agents.

(D) General Duty of the State

The state of Ohio shall operate solely as a free and independent republic and within the Union of federated states comprising *The United States of America*, and its government shall faithfully, diligently, and prudently exercise all powers and authorities granted to it by this Constitution.

(E) Fundamental Rights Defined

The fundamental Rights of every man and woman in Ohio are Life, Liberty, Property, the Pursuit of Happiness, and other Protections secured by this Constitution, which are common to all, absolute and necessary in the ordinary course of life and shall not be deprived, abrogated, or encumbered through any form of licensure, taxation, event, conduct, or legislation by the state or its political subdivisions. Nor shall such Rights be subject to or deprived by waiver. All fundamental Rights shall be equally administered and enforced, without prejudice or favoritism or regard to civic class or status.

(F) State's Authority Over Commerce

Preservation of the people's fundamental Rights shall not be construed to defeat the state's delegated authority to regulate or extract excises on commerce conducted in pursuance of profit or gains, or matters of luxury or excess, as shall be defined by law.

§2. Limitations on State Sovereignty

(A) Powers and Authorities Restricted by Ohio Constitution

The state of Ohio shall have no powers or authorities, except by express provision in this Constitution, and such provisions shall be established solely upon the knowledgeable consent of Ohio Citizens at the polls. Ohio government shall not usurp any powers or authorities not specifically granted or authorized by this Constitution, nor shall it operate in any capacity of its own or contrary to the collective interests and benefit of Ohio Citizens, such interests and benefits within the scope of the Constitution.

(B) Supremacy of Federal Constitution

Ohio shall support and comply with the *Constitution of the United States of America*, 1787, as amended and strictly construed, and federal laws compliant therewith.

(C) Compacts, Contracts and Treaties

No public servant, agent, department, office, municipality, corporation or other person or entity, while acting in any public capacity on behalf of Ohio Citizens, shall 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.

§3. Preservation of Sovereignty

(A) Establishment, Interpretation and Enforcement of Laws

(1) Constitutional Compliancy of Laws

This Constitution is the supreme law for Ohio. No law, rule, regulation or other governing provision shall be enacted, established, enforced or otherwise implemented or applied contrary to the provisions, purposes, or intent of this Constitution, or that does not specifically identify the relevant authorizing provisions of this Constitution, or that does not clearly and succinctly identify with particularity its purposes and upon whom said provision shall operate, without ambiguity or open limitations. This Constitution and all laws, rules, regulations and other governing provisions within Ohio shall be interpreted and applied in favor of the people and against government.

(2) Laws Subject to Constitutional Challenge

The constitutionality of every law, rule, regulation, or other governing provision of Ohio and its political subdivisions shall be subject to direct challenge through the Supreme Court of Ohio. Such challenges shall be granted without cause upon a showing of viable constitutional merit.

(3) Limitation on Regulatory Laws

Regulatory laws may be established and enforced as reasonable and minimally necessary to protect the public's actual health and safety, but only upon production of sufficient supporting evidence that clearly justifies such laws.

(4) Limitation on Emergency Laws

Emergency provisions may only be established and enforced 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. Ohio government shall work diligently to resolve all such emergencies and thereupon repeal the relevant emergency provisions.

(5) Establishment of Official Dictionary

Whereas it is the responsibility of every Citizen to know and understand the law as it applies to them, it shall be the combined duty of the General Assembly and the Supreme Court of Ohio to compose and maintain an official dictionary for the clear and precise definition of all significant terms and phrases used in writing and interpreting the laws, rules, regulations and other governing provisions of Ohio. Said dictionary shall be made readily available to the people through the office of the Ohio Secretary of State. It shall be expressly identified and incorporated into the law by reference.

(B) Suspension of Laws

(1) Powers of Supreme Court of Ohio Pertaining to Unconstitutional Laws

The Supreme Court of Ohio shall have the power to suspend, abolish or vacate any law, rule, regulation or other governing provision in Ohio deemed by it to be unconstitutional. If any law, rule, regulation or other governing provision within Ohio 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, by authority of this Constitution, until the constitutional deficiency has been resolved. Such determinations shall not be dependent upon any adversity created upon government or any public servant. The resulting decision and subsequent state actions and consequences shall be prominently noticed to the people by the said court. The Supreme Court of Ohio shall retain jurisdiction over such matters until resolved.

(2) Jury Nullification

All juries shall be comprised only of Ohio Citizens, and in the course of serving in any criminal or civil action in an Ohio court, shall have the right to hear and determine both the facts and the law of the case. And, in the event the jury determines that the law presented or applied against the defendant shall serve to an unjust end, the jury shall have the absolute right, without objection or interference from the court, to suspend or nullify the law as applied in such case. Such determination shall require at least a three-fourths vote of the members of the jury in favor of nullification. The judicial or administrative officer in charge of the proceedings shall instruct the jury of its right of nullification of the law in every case before commencement of trial.

(3) Citizen Nullification

The Citizens of Ohio shall forever retain their sovereign powers of initiative process to suspend, abolish or vacate any law, resolution, rule, regulation or other governing provision of Ohio or its political subdivisions.

(C) Governmental Compliance and Accountability

(1) Non-Tolerance of Governmental Misconduct

Ohio government shall not tolerate any misconduct by any public servant while in the performance of its public duties and responsibilities. Activities intentionally perpetrated by public servants in opposition to the provisions, purposes and intent of this Constitution shall be considered as High Crimes against the people and prosecuted as such by the Ohio Attorney General.

(2) Recall of Public Officeholders

Ohio Citizens may execute recall procedures against any elected or appointed public officeholder, whenever they deem it necessary. Recall shall be executed by petition signed by electors of the relevant political subdivision. The recall process shall be perfected when a number of qualified signatures equal to or greater than that acquired to place the said public officeholder or his appointing official, as applicable, into office have been properly submitted and verified by the Ohio Secretary of State within 10 days of submittal. Immediately upon said verification, the Secretary of State shall notify the local Sheriff, who shall then Order, remove and bar said public officeholder from public office, by authority of the Ohio Citizens.

(3) Filling Vacancies After Recall; Forfeiture of State Benefits

The vacancy created by recall of a public officeholder shall be filled as soon as practical by appointment from the Governor from candidates nominated by the Citizens of the relevant political subdivision. In the event that the Governor is recalled, the Lieutenant Governor shall fulfill the duties of the Governor. Any public officeholder recalled, or otherwise compelled from office as a result of unlawful behavior or gross negligence, shall be barred from all future service as a public servant in Ohio and shall forfeit all state benefits. Recall is final, without recourse or immunity from liability.

(4) Immunity and Punishment Regarding Constitutional Violations

No public servant shall be immune from recall, prosecution or punishment for participation in activities perpetrated in violation of the provisions, purposes or intent of this Constitution. Said punishments shall be according to law and in proportion to the violation.

(5) Duty of Public Servants; Violation of Oath

All public servants shall faithfully, diligently, and prudently perform their respective public duties and responsibilities, and they are required to answer all legitimate grievances and reasonable inquiries pertaining to the duties and performance of their respective offices, and shall faithfully produce such specific public records in their care, control or ready access as requested and appropriate. Those violating their oath to support this Constitution shall be subject to penalty, according to law.

(D) Enforcement of the Ohio Constitution

(1) Supreme Duty of Governor and Attorney General

It is hereby declared and established that the supreme duty and responsibility of the Governor and Attorney General of Ohio is to uphold and enforce the provisions, purposes, and intent of this Constitution and to ensure that all elements of government operate in compliance therewith.

(2) Office and Authority of Sheriff Preserved

It is further established that the office of Sheriff shall be preserved by this Constitution as an integral part of the Ohio executive branch and ever remain a servant of and to the people in Ohio. The Sheriff's principle duty shall be to support this Constitution and laws made in compliance therewith, and he shall have supreme governmental authority to enforce this Constitution 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 or restore the peace and protect the people in Ohio.

(3) Prohibition Against Federal and Foreign Agents

No enforcement action shall be exercised by any federal or foreign agency against the people in Ohio except through the county Sheriff and upon presentment of a valid judicial warrant, in which instance said Sheriff shall apprehend and deliver the accused to the appropriate authority at the county jail. The Sheriff may rely on assistance from relevant federal or foreign agents, at his sole discretion.

(4) Protection of Fundamental Rights in the Courts

It is the duty of all judges, magistrates, commissioners and other similar officers, whether judicial or administrative, to preserve the people's fundamental Rights, in the course of rendering their assessments, decisions, determinations, opinions, judgments and orders.

(5) Right to Bear Arms Defined; Non-Infringement and Abuse of Right; Militia Preserved

To forever secure the sovereignty of the people and their ability to provide for or protect themselves, their property, their community and this state, the fundamental Right of the people to acquire, possess, carry, trade and utilize any manner of arms, weapon, personal armament and other devices and munitions designed for personal use, excluding all manner of explosives and biological or chemical systems, shall not be infringed, encumbered, prohibited nor abrogated except by due course of law and upon conviction of a High Crime involving assault with a deadly weapon. The Right of the people to assemble, exercise and maintain a peoples' militia shall be likewise retained.

(6) State to Encourage Personal Protection

The state shall encourage and promote the people's free exercise of personal protection, preservation, preparedness and defense.

(E) Sovereignty through Education

(1) State to Encourage Beneficial Principles

To preserve and maintain sovereignty, the state shall encourage and promote that all schools in Ohio support the principles of good government and this Constitution, and of a moral and ethical society – nothing to the contrary. 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 and health; (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 the necessity of defense, preparedness, and preservation.

(2) Control of Education at Local Level

Public educational curriculum and operations, except funding, for children through the twelfth grade shall be regulated solely at the local school district level.

(F) Governmental Transparency

Ohio Citizens have the right to monitor, inspect and audit every function of Ohio government. All books, records and operations of Ohio government shall be open for public inspection and dissemination, under reasonable conditions, excepting such information violative to matters exclusively private in nature which have been established in law as inappropriate for public review. This provision shall not be construed to protect any party in suit, upon just cause, from discovery of material evidence of private matters on the public record.

(G) Subversion of the Constitution

Preservation of individual and state sovereignty is of utmost concern to Ohio Citizens. Every attempt to subvert this Constitution, unless by open notice and deliberate action from the Citizens clearly stating their intent to reform or abolish this Constitution or 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 in law and brought against those so doing. Deliberate or substantial acts of subversion of this Constitution shall not be pardonable or otherwise absolved by the Governor.

(H) Maintenance of Laws

(1) Future Laws

All provisions of this Constitution and laws, rules, regulations, and other governing provisions of Ohio and its political subdivisions shall be created, interpreted, applied and enforced in compliance with this amendment.

(2) Transformation of Existing Laws

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 amendment 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 4-year period unless defeated upon meritorious constitutional challenge. Those failing to be reviewed or amended for constitutional compliancy within the said 4-year period are thereby repealed by operation of law. Influence by sources outside the established elements of Ohio government in fulfilling this mandate shall be strictly prohibited, except as may be offered in open public forum by the relevant controlling governmental element. It shall be the duty and responsibility of the state to provide the resources necessary to satisfy this provision.

This provision shall expire upon termination of said 4 year period.

End of Amendment.

VERIFICATION

Pursuant to Article II §§ 1a, 1g of the Ohio Constitution and R.C. § 3519.01(A), 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.

We, the undersigned, hereby attest that we have personal knowledge of the said petitions and affirm that they contain **2,130** signatures from the people of Ohio who have demonstrated their knowledgeable support for the proposed OHIO SOVEREIGNTY AMENDMENT. FURTHER, we attest to the fact that all said signatures are hereby submitted with this submittal for purposes of qualification for certification of the said amendment by the Ohio Attorney General. FURTHER, we attest that copies of all said signatures and their accompanying Circulator Statements have been retained by the committee for The PEOPLES CONSTITUTION COALITION OF OHIO for future reference and authentication purposes.

IN TESTIMONY WHEREOF, we do hereto attach our signatures and state under solemn oath that these statements are true.



Michael Alan Young - Signatory/ Testator
Committee Member
The PEOPLE'S CONSTITUTION COALITION OF OHIO



Witness #1 - Signature



Witness - Printed Name



Witness #2 - Signature



Witness - Printed Name