

1753

Columbus, Ohio, February 21, 1958

Mr. Charles H. Hubbell, Cleveland, Ohio

Dear Mr. Hubbell:

In accordance with the provisions of Section 3519.01, Revised Code, on February 20, 1958, you submitted for my examination an initiative petition proposing to amend the Constitution of Ohio by the amendment of Article V, Ohio Constitution, relative to the exercise of the elective franchise.

The text of such proposed amendment is as follows:

“BE IT RESOLVED BY THE PEOPLE OF THE STATE OF OHIO:

“That the Constitution of the State of Ohio be and hereby is amended by adopting and adding to Article V thereof one new section (i.e., Section 1a) to read and be as hereinafter stated:

“ARTICLE V, SECTION 1a. After the thirtieth day of June, 1962, or after such earlier date as may be provided by law, no person who, at any time, shall have been qualified or eligible to vote at general elections and at primary elections in the State of Ohio throughout the immediately preceding period of three calendar years, and who shall have failed or neglected to vote at more than one-half of the number of such elections (general and primary) which, during such period of three calendar years, shall have been held in the municipality or township in which he or she shall have resided, shall have the right to purchase, own, use,

operate or drive any automotive vehicle in the State of Ohio, and no such person shall have the right to inherit any real estate or personal property in the State of Ohio having a value in excess of Five Hundred Dollars; excepting and provided that every citizen of the State of Ohio in the military service of the United States shall be deemed to have voted at every general election and at every primary election during the period while in such service; and excepting and provided that, upon the payment by any citizen to the State of Ohio of a penalty of One Hundred Dollars, the Judge of any Court of record in the State of Ohio may, as to such citizen and for a period not exceeding one year, remove the restrictions and re-instate the rights mentioned in this section.

“The election authorities shall permit citizens to enroll at all polling places at the time of each primary election, and any citizen who shall enroll at a polling place at the time of any primary election shall be deemed to have voted at such primary election even though he or she shall have declined to cast any ballot at such primary election.

“The provisions of this section shall relate and apply to persons qualified or eligible to vote and also to persons who would be so qualified and eligible excepting for the fact that they shall not have registered.”

“SCHEDULE—If a majority of the electors voting on the foregoing proposed amendment adopt the same, it shall become and be a part of the Constitution of the State of Ohio.”

Your proposed summary of this amendment is as follows:

“The proposed amendment provides that no person who shall have been qualified or eligible to vote at general elections and at primary elections throughout the immediately preceding three calendar years, and who shall have failed or neglected to vote at more than one-half of the number of such elections, shall have the right to purchase, own, use, operate or drive any automotive vehicle in the State of Ohio, or to inherit any property in the State of Ohio having a value in excess of Five Hundred Dollars, excepting and provided that every Ohio citizen in the military service of the United States shall be deemed to have voted at every such election during the period while in such service; and excepting and provided that, upon the payment of a penalty of One Hundred Dollars, the Judge of any court of record may temporarily remove the restrictions and re-instate the rights mentioned therein.

“The proposed amendment further provides that the election authorities shall permit citizens to enroll at the time of each primary election, and that any citizen who shall so enroll shall be deemed to have voted thereat.

“The proposed amendment further provides that the provisions thereof shall relate and apply to persons qualified or eligible to vote and also to persons who would be so qualified and eligible excepting for the fact that they shall not have registered.”

Section 3519.01, Revised Code, provides that “if in the opinion of the attorney general the summary is a fair and truthful statement of the proposed * * * constitutional amendment, * * * he shall so certify.” Under this statutory requirement my consideration, of course, is confined to the question of whether or not the summary is a fair and truthful statement of the changes in the Constitution as set out in the text of the proposed constitutional provision contained in the initiative petition, without regard to the policy of wisdom of such proposal.

Upon examination of the summary, it is my view that it is a fair and truthful summarization of the language used in the text. Accordingly, the following certification is hereby made to be used as provided by law :

Pursuant to the duties imposed upon me under the provisions of Section 3519.01, Revised Code, I hereby certify that the summary attached to the initiative petition, submitted to me on February 20, 1958, is a fair and truthful statement of the amendment to the constitutional provision proposed by such initiative petition. WILLIAM SAXBE, Attorney General.

Respectfully,
WILLIAM SAXBE
Attorney General