



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Administration  
Office 614-466-4320  
Fax 614-466-5087

30 E. Broad Street, 17<sup>th</sup> Fl  
Columbus, Ohio 43215  
[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)

March 27, 2014

**Via regular U.S. Mail**

Naomi Goolsby  
10208 Adelaide Ave.  
Cleveland, Ohio 44111  
[naygools@yahoo.com](mailto:naygools@yahoo.com)

Re: Proposed "Bottle Bill for Ohio", Submitted by Naomi Goolsby

Dear Ms. Goolsby,

On March 17, 2014, a written petition proposing to change section 3736.02 of the Ohio Revised Code ("ORC") was submitted to this office for examination, together with a summary of that proposed change.

Any petition that is submitted to this office must contain the signatures of one thousand qualified electors. If it does, I am, by statute, required to review the summary within ten days of receiving it. In this instance, the tenth day falls on March 27, 2014. Upon review, I am unable to certify your summary because the one thousand signatures cannot be validated.

Your submission consisted of one part-petition containing your proposed summary, the text of your proposed changes to ORC 3736.02, and 138 un-attached pages of signatures. There are at least two significant deficiencies with your petition, and each independently invalidates the signatures collected.

First, the part-petition that you submitted does not include the signature of the circulator, signed under penalty of election falsification, as Ohio law requires. ORC 3501.38. According to that statute, the following mandatory language must appear on all petitions:

I, \_\_\_\_\_, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of \_\_\_\_\_ 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 persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 [3501.38.2] of the Revised Code, and that the electors signing this petition did so with knowledge of the contests 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.)

(Signed) \_\_\_\_\_  
(Address of circulator's permanent residence in this state)

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

Since the petition you submitted to my office failed to include a signed circulator statement, all of the signatures attached to the petition are invalid as a matter of law and must be rejected. ORC 3501.38(E)(1); *see also State ex rel. Stillo v. Gwin*, 18 Ohio St.2d 66 (1969); *State ex rel. Home Fed. Sav. & Loan Assn. v. Moser*, 40 Ohio St.2d 94 (1974).

Second, the petition contains the signatures of individuals from more than one county. Ohio law mandates that “[e]ach part-petition which is filed shall contain signatures of electors of only one county.” ORC 3519.10. Instead of complying with this provision, you submitted a single petition containing the signatures of individuals who resided in at least 18 different counties. Even if we had sent your petition to the Cuyahoga County Board of Elections for verification, the most commonly identified county in your submission, you still could not have satisfied the 1,000 signature threshold, as there were only 916 signatures from Cuyahoga County.

Because of these two fatal errors, you did not submit the required 1,000 valid signatures from registered Ohio electors. As a result, I am unable to proceed to a determination on whether the summary you submitted is a fair and truthful summation of the matter you submitted.

Should you choose to re-submit the proposed amendment, each accompanying petition must comply with Ohio law. In addition, I recommend that you clarify whether you intend to submit a proposed constitutional amendment or an initiated statute. The submission you filed claims that you are attempting to amend the Ohio Constitution by amending a provision of the Ohio Revised Code. Please note that a submission can only be a constitutional amendment or an initiated statute, not both.

Very respectfully yours,



Mike DeWine  
Ohio Attorney General

cc: Committee to Represent the Petitioners

Del-Marcus Goolsby  
10208 Adelaide Ave.  
Cleveland, Ohio 44111

Precious Anderson  
1969 W. 48th Street  
Cleveland, Ohio 44102

Kevin Goolsby  
10208 Adelaide Ave.  
Cleveland, Ohio 44111