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April 15, 2011

VIA HAND DELIVERY & ELECTRONIC MAIL

Hon. Jon Husted
Ohio Secretary of State
180 E. Broad St.
Columbus, OH 43215

Re: Referendum Petition to Repeal Am. Sub. S.B. 5
of the 129th General Assembly – Long Version

Dear Secretary Husted:

A copy of a written petition proposing to repeal Am. Sub. S.B. 5 of the 129th General Assembly was submitted to my office on April 4, 2011, in accordance with Section 3519.01(B) of the Ohio Revised Code. This statute specifies that the Attorney General is to conduct an examination of the summary within ten business days of receiving it. In this instance, the tenth day falls on Monday, April 18, 2011.

The Office's explicit statutory duty is to determine whether the submitted summary "is a fair and truthful statement of the measure to be referred." *Id.* The Ohio Supreme Court has defined "summary" relative to an initiated petition 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 (1931).

After reviewing the Committee's Long Version Submission, I am unable to certify the proposed summary because of its length. In order to be "properly advised," an elector reading this proposed summary would need to read 28 pages of text. A summary should fairly and concisely distill possibly complex legal matters into a synopsis that is readily understandable to a reasonable person of average intelligence. The summary, though greatly condensed at 28 pages, is still far too lengthy and detailed to be considered a short and concise summing up of the matter to be referred. For this reason, I am unable to certify the proposed Long Version Summary of the Petition to Repeal Am. Sub. S.B. 5 of the 129th General Assembly as a fair and truthful statement of the measure to be referred. A copy of this letter is being forwarded to the Committee to Represent the Petitioners under separate cover.

Sincerely,

MICHAEL DeWINE
Attorney General

CC: Elizabeth Shuster, via email