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VIA FIRST CLASS MAIL

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Westlake, OH 44145

Re: Proposed Initiated Amendment – Wage Deduction

Dear Committee Members:

In accordance with the provisions of Section 3519.01(A) of the Ohio Revised Code, a written petition bearing a copy of a proposed initiated Constitutional Amendment adding Section 34a to Article II, was submitted for my examination, together with a summary of that proposed amendment, on June 6, 2008.

Pursuant to Ohio Revised Code Section 3519.01(A), my duty is to opine whether “the summary is a fair and truthful statement of the proposed law or constitutional amendment.” Accordingly, this office does not comment on the merits of the proposed initiated Constitutional Amendment, nor does this office determine the validity of the signatures of the part-petitions. The validity of signatures is determined by the respective county boards of elections. The county boards of elections have informed me that you have submitted more than the required 1,000 validated signatures.


R.C. 3519.01(A) also requires the Attorney General to examine the summary of the proposed amendment to the statute and make a determination as to whether that summary is a fair and truthful statement of the proposed amendment. I am unable to certify your summary as a fair and truthful statement of the proposed constitutional amendment for the following reason:

The word “unauthorized” in the summary is not contained in the amendment and the use of the word “unauthorized” in the summary could be significantly misleading to a petition-signer. It is impossible to currently withhold “unauthorized” deductions by an employer for any group that either supports or opposes candidates. By way of illustration, under current law, a union can become the exclusive representative for all employees within a particular bargaining unit. The law further authorizes the employee to be charged initiation fees and periodic union dues for that representation. The

employee is also entitled to a refund of any money that does not go toward representation but is used on political activity. As a result, I do not believe that the use of “unauthorized deductions” in the summary is a fair or truthful statement since the deductions for union dues are authorized by law.

For this reason I must reject the summary as submitted.

Sincerely,



NANCY H. ROGERS
Attorney General

NHR:mc

cc: Chief Elections Counsel, Secretary of State