

April 19, 2018

Via regular U.S. mail and E-Mail

Patrick M. Quinn
35 N. Fourth St., Ste. 200
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Re: Submitted Petition for Initiated Constitutional Amendment to Add a New Section 24 to Article I of the Ohio Constitution — “Marijuana Rights and Regulations Amendment”

Dear Mr. Quinn,

On April 9, 2018, in accordance with the provisions of the Ohio Revised Code (ORC) Section 3519.01(A), I received a written petition containing (1) a copy of a proposed constitutional amendment to amend Article I of the Ohio Constitution, and (2) a summary of the same measure. One of my statutory duties as Attorney General is to send all of the part-petitions to the appropriate county boards of elections for signature verification. With all of the county boards of elections reporting back, at least 1,000 signatures have been verified.

It is my statutory duty to determine whether the submitted summary “is a fair and truthful statement of the proposed law or constitutional amendment.” ORC Section 3519.01(A). If I conclude that the summary is fair and truthful, I must certify it as such within ten days of receipt of the petition. In this instance, the tenth day falls on Thursday, April 19, 2018.

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 submission, I have concluded that I am unable to certify your summary as a fair and truthful representation of the proposed amendment.

I have identified one significant discrepancy between the summary and the proposed amendment:

- The summary states that the amendment will give the General Assembly authority to regulate marijuana commerce by issuing permits “through a permit system with 2 years of residency required, for the first seven years...” In contrast, Section (F)(2) of the proposed amendment states that “the permit shall be available to any qualified Ohio citizen 21 years or older who has been a resident of Ohio for at least two consecutive years immediately prior to application for the permit; the General Assembly at its

discretion may amend the residency requirement of this provision at any time seven years after the effective date of this section."

Additionally, I have identified two material omissions in the summary of the proposed amendment:

- The summary does not reflect the proposed amendment's provision that "Marijuana businesses shall be lawful only in those voting precincts in which the majority of the voters approved this section..."
- The summary omits the fact that under Section (L) of the proposed amendment "The General Assembly shall within 240 days after the effective date enact and enable laws, rules, and regulations consistent with this section."

For these reasons, I am unable to certify the summary as a fair and truthful statement of the proposed amendment. However, I must caution that this is not intended to be an exhaustive list of all defects in the submitted summary.

Very respectfully yours,



Mike DeWine
Ohio Attorney General

cc: Committee to Represent the Petitioners

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