



RICHARD CORDRAY
OHIO ATTORNEY GENERAL

December 30, 2009

VIA FIRST CLASS MAIL & EMAIL

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Re: Proposed Constitutional Amendment – Ohio Sovereignty

Dear Members of the People's Constitution Coalition of Ohio:

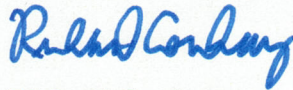
A written petition proposing to enact Article XIV of the Ohio Constitution was submitted to my office on December 23, 2009, in accordance with Section 3519.01(A) of the Ohio Revised Code. This statute specifies that the Attorney General is to conduct an examination of the summary within ten days of receiving it. In this instance, the tenth day falls on Saturday, January 2, 2010.

My particular duty under this statute is to opine whether the submitted summary is a fair and truthful statement of the proposed initiated amendment. After reviewing the submission, I have concluded that I am unable to certify your summary as a fair and truthful statement of the measure to be referred.

I am rejecting your submission because the summary language you provided does not act as a summary of the proposed amendment. The Ohio Supreme Court has defined "summary" relative to an initiated petition as "a short, concise summing up, which will properly advise those who are asked to either sign the petition or to support the amendment at the polls of the character and of the purport of the amendments without the necessity of perusing them at length." *State ex rel. Hubbell v. Bettman*, 124 Ohio St. 24 (1931). In that case, the Court upheld the rejection of a summary of a proposed constitutional amendment. The Court found that the summary was longer than the proposed amendment. "There would manifestly be no point to having a summary in addition to the text itself unless the summary is just what the definition of that term expresses, viz., 'a short concise summing up,' which will properly advise those who are asked to either sign the petition or to support the amendment at the polls of the character and of purport of the amendments without the necessity of purposing them at length." *Id.*

In this case, in order to be “properly advised,” an elector reading your summary would have to peruse seventeen pages of small type. The amendment itself is only 3.5 pages. The summary is almost five times longer than the amendment. The purpose of the summary is to fairly and concisely distill the possibly complex legal matters into something that is readily understandable to a reasonable person of average intelligence. This “summary” is far too lengthy and detailed to be considered short and concise. For this reason, I am unable to certify the proposed summary as a fair and truthful statement of the measure to be referred.

Sincerely,



Richard Cordray
Ohio Attorney General