



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

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VIA U.S. MAIL & ELECTRONIC MAIL

Maurice Thompson
1851 Center for Constitutional Law
208 E. State St.
Columbus, Ohio 43215
MThompson@OhioConstitution.org

RE: Freedom to choose whether to participate in a labor organization as a condition of employment

Dear Mr. Thompson:

In accordance with the provisions of R.C. 3519.01(A), on November 10, 2011, I received a written petition proposing to add the above-named Amendment to the Ohio Constitution, and a summary of the measure to be referred. Pursuant to R.C. 3519.01(A), the Attorney General must examine the summary and determine whether it is a fair and truthful statement of the measure to be referred. If I conclude that the summary is fair and truthful, I must certify that fact to the Secretary of State within ten days of receiving it. In this instance, the tenth day falls on Sunday, November 20, 2011.

After reviewing the submission, I have concluded that I am unable to certify the summary as written. Section 22(F) of the of the proposed amendment provides that “[a]ny person, directly or indirectly affected or threatened with any harm by a violation of this section, may bring a civil or equitable action to enforce this section, and upon prevailing shall be entitled to injunctive relief, reasonable attorney fees, costs, and other damages.”

A person reading the summary to gain an understanding of the proposed amendment would likely assume that a person directly affected by a violation of this section would have some sort of legal recourse to enforce compliance. However, it is unlikely that a person reading the summary would anticipate that a person only “indirectly affected” by a violation of this section could also move to enforce this section. Additionally, the summary makes no mention of a prevailing party’s entitlement to reasonable attorney fees, costs, and other damages. In order for the summary to be fair and truthful, a reference to these provisions of the proposed amendment should be included in the summary language.

Very respectfully yours,

Mike DeWine
Ohio Attorney General

**Signature Verifications by County -
Freedom to Choose Whether to Participate in a Labor Organization**

Board of Elections	Part Petitions	Signatures Verified	Invalid Signatures
Brown County Board of Elections	1	4	0
Butler County Board of Elections	18	265	16
Clark County Board of Elections	2	2	0
Clermont County Board of Elections	16	216	4
Columbiana County Board of Elections	1	1	0
Crawford County Board of Elections	1	2	0
Cuyahoga County Board of Elections	5	24	7
Delaware County Board of Elections	5	21	1
Fairfield County Board of Elections	5	28	1
Fayette County Board of Elections	1	12	0
Franklin County Board of Elections	13	103	10
Geauga County Board of Elections	1	3	0
Greene County Board of Elections	4	5	1
Hamilton County Board of Elections	15	136	11
Hancock County Board of Elections	1	16	0
Highland County Board of Elections	2	24	2
Knox County Board of Elections	1	1	0
Lake County Board of Elections	2	3	0
Licking County Board of Elections	8	107	5
Logan County Board of Elections	1	1	0
Lorain County Board of Elections	3	6	0
Lucas County Board of Elections	2	43	3
Madison County Board of Elections	1	1	0
Marion County Board of Elections	1	1	0
Medina County Board of Elections	4	7	1
Miami County Board of Elections	9	50	4
Montgomery County Board of Elections	7	69	3
Morrow County Board of Elections	1	1	0
Muskingum County Board of Elections	1	0	1
Ottawa County Board of Elections	1	1	0
Perry County Board of Elections	1	1	0
Portage County Board of Elections	5	93	16
Preble County Board of Elections	1	1	0
Putnam County Board of Elections	1	1	0
Richland County Board of elections	2	18	3
Seneca County Board of Elections	2	22	0
Shelby County Board of Elections	5	48	1
Summit County Board of Elections	5	29	12
Trumbull County Board of Elections	1	1	0
Union County Board of Elections	9	113	5
Warren County Board of Elections	4	11	0
Wayne County Board of Elections	2	4	0
Wood County Board of Elections	2	28	2
Wyandot County Board of Elections	2	3	0
TOTALS	175	1526	109