

County: Adams

Number 00001

INITIATIVE PETITION

Amendment to the Constitution

Proposed by Initiative Petition

To be submitted directly to the electors

AMENDMENT

TITLE

Protecting Ohioans' Constitutional Rights

SUMMARY

This Amendment would add a new section 22 to Article I of the Ohio Constitution relating to public safety; providing new remedies when state and local governments violate Ohioans' constitutional and legal rights.

More specifically, this amendment would:

- Create a state cause of action when a person's constitutional and/or legal rights are violated by a state, county, municipal government, and/or other political subdivision;
- Decree the proper defendant as the government employer in an action brought under this section;
- Provide the government employee an unconditional right to intervene in the action as a third-party defendant;
- Prohibit the use of qualified immunity, statutory immunity, prosecutorial immunity, common law doctrines of immunity, sovereign immunity, or governmental immunity as a defense to civil actions brought under this Amendment;
- Provide for the recovery of reasonable attorney fees, damages, and court costs for successful actions brought under this Amendment;
- Provide court recognition of a plaintiff's claim prevailing when the plaintiff obtains any relief the plaintiff seeks in its claim;
- In a case in which the plaintiff prevails, mandate that reasonable measures be taken to prevent similar rights violations from occurring in the future;
- Provide for accountability, including termination, if a government employee is found, under this section, to have violated a person's constitutional and/or legal rights;
- Prohibit a class action under this section;
- Limit the timeframe in which a claim may commence under this section to 6 years from the date a claim can be brought under this section;
- Ensure that documents relating to actions under this section are subject to public disclosure requirements; and
- Provide that this section shall take effect on January 1, 2025.

This amendment contains a severability clause.

This amendment defines "government", "government employee", and "government employer".

CERTIFICATION OF THE ATTORNEY GENERAL

This certification of the Attorney General, pursuant to Ohio Revised Code §3519.01(A), will be inserted when it is provided. This initial petition must be submitted with at least one thousand (1,000) valid signatures of Ohio electors before the Attorney General will issue that certification.

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as committee to represent the petitioners in all matters relating to the petition or its circulation:

Marcella Bailey	2417 Brentnell Ave, Columbus, Ohio 43211
Cynthia Brown	6191 Rossi Drive Canal Winchester, Ohio 43110
Hamza Khabir	26 Gould Avenue, Bedford, Ohio 44146
Jenny Sue Rowe	3340 Peterson Road, Mansfield, Ohio 44903

FULL TEXT OF THE PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article I of the Ohio Constitution is hereby amended to add the following Section:

Section 22. Protecting Ohioans' Constitutional Rights.

(A) Definitions

For the purposes of this section:

- (1) "Government" means state, county, municipal, and/or other political subdivision(s) in this state.
- (2) "Government employee" means an elected official or an individual employed or contracted by a government employer or elected official.
- (3) "Government employer" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the state or of a county, municipality, or other political subdivision in this state.

(B) State Cause-of-Action

- (1) Under this section, the government employer shall be vicariously liable for an injury caused by an act or omission of a government employee who, under color of law, violates a right under the laws or constitution of this State or the United States.
- (2) An individual may seek legal, equitable, or other relief in a court of competent jurisdiction for a violation of a right under the laws or constitution of this State or the United States.
- (3) The proper defendant in an action under this section is the government employer.
- (4) The government employer shall notify the government employee whose act or omission is the subject of a claim under this section, within 10 days of the government employer being served. The government employee has an unconditional right to intervene in the action, as a third-party defendant, pursuant to this State's rules of civil procedure and court rules.
- (5) The action is not subject to:
 - A. Common law doctrines of immunity;
 - B. Federally-recognized doctrines of qualified immunity;
 - C. Sovereign immunity, governmental immunity, custom or policy;
 - D. Statutory immunities and/or limitations on liability or damages; or
 - E. Federally-recognized doctrines of prosecutorial immunity.

- (6) Notwithstanding this State's rules of civil procedure and court rules, a class action is prohibited under this section.

(C) Statute of Limitations

- (1) A claim shall commence no later than six years from the date a claim can be brought for the deprivation of a right under the laws or constitution of this State or the United States.

(D) Judicial Process

- (1) The court's order shall be supported by findings of facts and conclusions of law. The court shall make the findings of fact in a bench trial and the jury shall make them in a jury trial. The court shall make conclusions of law.

(E) Attorney Fees

- (1) In any proceeding in which a plaintiff's claim prevails, the government shall be liable for reasonable attorney fees and other litigation costs.
- (2) The government shall be liable for reasonable attorney's fees, regardless of whether the attorney provided services on an hourly, contingent, or pro bono basis.
- (3) The court shall recognize that a plaintiff's claim prevails if the plaintiff obtains any relief the plaintiff seeks in its complaint, whether the relief is obtained via judgment or settlement.

(F) Rights Violation Prevention

- (1) In any proceeding in which a plaintiff's claim prevails, the government employer must take reasonable measures to prevent a similar rights violation from occurring in the future.

(G) Termination of Contract, Agreement, or Employment

- (1) For any contract or agreement enacted after the effective date of this legislation, a court's finding that a government employee violated a right under the laws or constitution of this State or the United States under this section is per se evidence that the government employer has just cause for terminating the employment of the government employee.
- (2) The government's termination of a contract, agreement, or employment with the government employee shall not affect the government's liability under this section.

(H) Public information

- (1) All documents, including, but not limited to, complaints, judgments, settlements, and consent decrees, are subject to public disclosure in accordance with Ohio public records laws.

(I) Severability Clause

(1) All provisions of this section shall be self-executing and severable.

(J) Effective Date

(1) This section shall take effect on January 1, 2025

STATEMENT OF CIRCULATOR

Cynthia Brown, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 3 electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by _____ (Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

(Signed) Cynthia Brown

(Address of circulator's permanent residence in this state)

6191 Rossi Dr, Canal Winchester OH 43110

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.