



Board of Directors

*Bradley A. Smith
Christopher P. Finney
David N. Mayer
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1851 CENTER FOR CONSTITUTIONAL LAW

November 10, 2012

HAND DELIVERED

ATTORNEY GENERALS OFFICE

Hon. Mike DeWine
Ohio Attorney General
State Office Tower
30 E. Broad Street, 17th Floor
Columbus, Ohio 43215

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CONSTITUTIONAL OFFICES

Attorney General DeWine:

Pursuant to R.C. 3519.01, please find enclosed (1) an Initial Petition consisting of 175 part-petitions containing 1,621 signatures of purported qualified Ohio electors, (2) the full text of a proposed amendment to the Ohio Constitution (entitled "Freedom to choose whether to participate in a labor organization as a condition of employment"), and (3) a proposed summary of the law for your examination and certification.

The Committee to Represent the Petitioners requests to be provided with a summary tally sheet that shows the number of signatures submitted to each county board of election for verification and the number of signatures that each county board of election verified.

Please direct all correspondence related to the Petition to the members of the Committee to Represent the Petitioners:

*Christopher Littleton
7396 Wethersfield Dr.
West Chester, Ohio 45069*

*Bryan Williams
2834 Orchard Grove Court
Akron, Ohio 44333*

*Jim Lewis
6969 Forestview Court
West Chester, Ohio 45069*

*Robert Scott
2821 Comanche Drive
Kettering, Ohio 45420*

*Lisa Cooper
10510 Hintonmill Road
Marysville, Ohio 43040*

And also to their legal counsel, designated on the second page of this letter.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "M. A. Thompson", is written over a horizontal line.

Maurice A. Thompson (0078548)
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Columbus, Ohio 43215
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ARTICLE I

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

Section 22 (A) No law, rule, agreement, or arrangement, shall require, directly or indirectly, any person or employer to become or remain a member of a labor organization.

Section 22 (B) No law, rule, agreement, or arrangement shall require, directly or indirectly, as a condition of employment, any person or employer to pay or transfer any dues, fees, assessments, other charges of any kind, or anything else of value, to a labor organization, or third party in lieu of the labor organization.

Section 22 (C) Nothing in this section shall (1) prevent any person from voluntarily belonging to or voluntarily providing support to a labor organization; or (2) apply to agreements entered into or renewed prior to the enactment of this section.

Section 22(D) No other provision of the Ohio Constitution shall impair or limit the rights contained herein.

Section 22(E) This section shall be implemented to the maximum extent that the United States Constitution and federal law permit. Any invalid or inoperative provisions shall first be construed as not conflicting with federal law, and then, only if necessary, severed from remaining portions of the section, which shall remain in effect.

Section 22(F) Any 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.

Section 22 (G) Definitions

- (1) "Labor organization" means any agency, union, employee representation committee, or organization of any kind that exists for the purpose, in whole or in part, of dealing with employers concerning collective bargaining, grievances, wages, benefits, rates of pay, hours of work, other forms of compensation, or other conditions of employment.
- (2) "Person or employer" includes all persons and employers in the state of Ohio, whether public or private, with the exception of the federal government of the United States and its employees.
- (3) Indirect requirements, include, but are not limited to the imposition of fines, penalties, or other costs or charges for, or the conditioning of public or private sector employment or employment opportunities on (a) failure to become or remain a member of a labor organization; or (b) paying or transferring dues, fees, assessments, other charges, or anything else of value to a labor organization. Indirect requirement further includes payments to third parties in lieu of the payments prohibited above.
- (4) "Fines, penalties, or other costs or charges" includes but is not limited to any civil, criminal, contractual or other penalty; any fine, tax, or monetary charge; or any salary or wage withholding or surcharge or fee that is used to punish or discourage the exercise of rights protected under this section.

Exhibit B: Proposed Summary of Constitutional Amendment

SUMMARY

To add Section 22 to Article I of the Constitution of the State of Ohio

The proposed amendment would provide that, in Ohio:

1. No law, rule, agreement, or arrangement shall require any person or employer to become or remain a member of a labor organization.
2. No law, rule, agreement, or arrangement shall require, directly or indirectly, as a condition of employment, any person or employer, to pay or transfer any dues, fees, assessments, other charges of any kind, or anything else of value, to a labor organization, or third party in lieu of the labor organization.

The proposed law would not:

1. Prevent any person from voluntarily belonging to or providing support to a labor organization.
2. Apply to agreements entered into or renewed prior to the enactment of this section.