



DAVE YOST

OHIO ATTORNEY GENERAL

Constitutional Offices
Section
Office: 614-466-2872

February 14, 2024

Sent via email to records@americanoversight.org

Ben Sparks

Re: Public Records Request #24-024

Dear Mr. Sparks,

I am writing in response to the public records request you submitted to the Ohio Attorney General's Office on February 2, 2024. Specifically, you requested the following:

1. All Informal Opinions, Advisory Letters, Memoranda (OW-AGO-10) or written guidance created by or provided to the Office of the Attorney General regarding the implementation or enforcement of Section 22 of Article I of the Ohio State Constitution.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by the Office of the Attorney General officials listed in Column A, below, containing any of the key terms listed in Column B, below.

Column A: Office of the Attorney General Officials

- 1. Dave Yost, Attorney General**
- 2. Benjamin Marrison, Chief of Staff**
- 3. Jonathan Blanton, First Assistant Attorney General**
- 4. Shawn Busken, Deputy First Assistant Attorney General**
- 5. Jonathan Fulkerson, Deputy Attorney General**
- 6. Julie Pfeiffer, Constitutional Offices Section Chief**
- 7. Corey Jordan, Director of Policy and Legislation**
- 8. Ara Mekhjian, Health and Human Services Section Chief**
- 9. Katherine Bockbrader, Health and Human Services Assistant Section Chief**

Column B: Key Terms

- 1. abortion**
- 2. "Issue 1"**
- 3. "Issue One"**
- 4. II**
- 5. reproductive**
- 6. "constitutional amendment"**
- 7. "section 22"**
- 8. "waiting period"**
- 9. viability**

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In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the listed officials above. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both a listed official’s response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

3. All official and unofficial dissent memoranda or complaints submitted to the relevant offices in your agency regarding any matters concerning the implementation or enforcement of Section 22 of Article I of the Ohio State Constitution.

To be clear, American Oversight is not asking your agency to release the names of any individuals who have submitted responsive documents and does not object to withholding the name of any individual expressing dissent. For all parts of this request, please provide all responsive records from November 7, 2023, through the date this request is received.

Please note that we are denying your request as overly broad and ambiguous. *See* R.C. 149.43(B)(2). It is the responsibility of a requester “to identify with reasonable clarity the records at issue.” (Citations omitted.) *State ex rel. Zidonis v. Columbus State Community College*, 133 Ohio St.3d 122, 2012-Ohio-4228, 976 N.E.2d 861, ¶ 21. Specifically, a public records request must identify, with reasonable clarity, existing records; a request is improper if it is a request to search for information wherever it may exist across an office’s records. *See State ex rel. Dillery v. Icsman*, 92 Ohio St.3d 312, 314, 750 N.E.2d 156 (2001) (a request that asked a public office for “any and all records generated, in the possession of your department, containing any reference whatsoever to Kelly Dillery” was overly broad); *State ex rel. Carr v. London Corr. Inst.*, 144 Ohio St.3d 211, 2015-Ohio-2363, 41 N.E.3d 1203, ¶ 22 (a request that required an office to “search through voluminous documents for those that contain certain information” was improper); *State ex rel. Shaughnessy v. City of Cleveland*, 149 Ohio St.3d 612, 2016-Ohio-8447, 76 N.E.3d 1171, ¶ 10 (“The Public Records Act does not compel a public office to do research or to identify records containing selected information.”).

Part Two of your requests asks for email correspondence sent by Attorney General’s Office employees or officials, that contain any one of nine keywords or phrases. Thus, this is a request to apply search terms, or keywords or phrases, across certain employees’ email communications; it is not a request that describes existing records with reasonable clarity.

In addition, certain words and phrases you list in Part Two, Column B, are overly broad based on the way the Attorney General’s Office organizes and maintains its records. *See Zidonis* at ¶ 30 (requesters must describe the records they seek in a way that allows the public office to identify responsive records based on how the office maintains and accesses its records); *see also State ex*

rel. Zauderer v. Joseph, 62 Ohio App. 3d 752, 755-756 (10th Dist. 1989) (a public records request must comport with the public office's method of record retrieval). The Attorney General's Office generally organizes its records by service division (or "section"), each of which represents specific clients or deal with particular legal areas; and within each service division by case name or overarching topic to which the record relates. Emails on a certain case or topic would be maintained in that file or matter. Numerous service divisions in our Office handle cases or matters related to abortion and reproductive issues, and in various contexts. Similarly, numerous service divisions in our Office handle cases or matters related to "constitutional amendments" (both state and federal), and in various contexts. Thus, the Office is unable to identify all potentially responsive records based on those overly broad words and phrases.

A list of the various service divisions of our Office, including descriptions of what they each do, can also be found on our website at <http://www.ohioattorneygeneral.gov/About-AG/Service-Divisions>. Identifying a service division in our Office that may have responsive records, or providing a specific topic, case, or matter, may assist our Office in determining if we have responsive records. Our Office's retention schedules further demonstrate how our records are generally maintained and accessed and may help you revise your request, should you wish to do so. These are on our Office's website at <http://www.ohioattorneygeneral.gov/About-Ag/Public-Records-Access>.

Your request is also being denied because Parts One and Three of your request are vague and ambiguous. What records are "regarding the implementation or enforcement" of, or "regarding any matters concerning the implementation or enforcement" of, Section 22 of Article I of the Ohio State Constitution, is subject to interpretation and would require this office to make a judgment call on what records may or may not be responsive to your request. *Gannett GP Media, Inc. v. Ohio Dept. of Pub. Safety*, Ct. of Cl. No. 2017-00051-PQ, 2017-Ohio-4247, ¶ 10 (finding request for "all communications 'regarding' a topic, to or from any employee, anywhere in the office" is unenforceable because it "requires judgment calls as to whether any given communication — whether personal, tenuous, or duplicative — is 'regarding' the topic").

However, we understand your request as seeking records on the topic/matter of Issue 1/the Reproductive Rights Amendment/Article I, Section 22 of the Ohio Constitution. As such, in the interest of attempting to identify responsive records, we asked the nine Ohio Attorney General's Office employees listed in your request for records on the topic/matter of Issue 1/the Reproductive Rights Amendment/Article I, Section 22 of the Ohio Constitution, within your specified date range. We also asked our Constituent Services section to search for complaints or inquiries submitted to it on the topic/matter of Issue 1/the Reproductive Rights Amendment/Article I, Section 22 of the Ohio Constitution. Attached is the first set of records that we have identified.

Please note that we have redacted and/or withheld information protected by the attorney-client privilege, pursuant to R.C. 149.43(A)(1)(v) and *State ex rel. Lanham v. DeWine*, 135 Ohio St.3d 191, 2013-Ohio-199, 985 N.E.2d 467, ¶ 26.

We will continue to process the remainder of identified records and produce these records on a rolling basis.

Ben Sparks
February 14, 2024
Public Records Request #24-034
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We would be happy to work with you to revise your request, should you wish to do so, so that we can identify other records you seek based on the way the Ohio Attorney General's Office organizes and maintains its records. Please feel free to contact the Public Records Unit at 614-466-2872 if you wish to do so.

Very respectfully yours,

MacKenzie S. Clayton

MacKenzie S. Clayton
Paralegal - Public Records Unit

cc: Heather L. Buchanan, Director of Open Government

From: [Jacqueline King](#)
To: [MacKenzie Clayton](#)
Cc: [Julie Pfeiffer](#); [Elizabeth Smith](#); [Stephen Tabatowski](#)
Subject: RE: Petition Letter for Signing
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Protecting Ohioans Constitutional Rights \(Seventh Submission\) Letter final.pdf](#)

Here you go. Let me know if I can help with anything else.

From: MacKenzie Clayton <MacKenzie.Clayton@OhioAGO.gov>
Sent: Friday, November 17, 2023 11:20 AM
To: Jacqueline King <Jacqueline.King@OhioAGO.gov>
Cc: Julie Pfeiffer <Julie.Pfeiffer@OhioAGO.gov>; Elizabeth Smith <Elizabeth.Smith@OhioAGO.gov>; Stephen Tabatowski <Stephen.Tabatowski@OhioAGO.gov>
Subject: Petition Letter for Signing

Good morning Jacque

Attached is the final petition letter for the AG's signature. Per Julie, the AG has already approved!
Please let me know if you need anything else!

Thanks,
MacKenzie



MacKenzie S. Clayton
Paralegal – Constitutional Offices
Office of Ohio Attorney General Dave Yost
Office number: 614-728-8121
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DAVE YOST
OHIO ATTORNEY GENERAL

Constitutional Offices
Section
Office: 614-466-2872

November 17, 2023

Mark Brown, Esq.
Capital University Law School
303 E. Broad St.
Columbus, Ohio 43215
Email: MBrown@law.capital.edu

Via regular U.S. Mail and E-mail

Re: Submitted Petition for Initiated Constitutional Amendment to Add Article I, Section 22 of the Ohio Constitution– “Protecting Ohioans’ Constitutional Rights”

Dear Mr. Brown,

On November 8, 2023, in accordance with Ohio Revised Code Section 3519.01(A), I received a written petition containing (1) a copy of a proposed constitutional amendment, and (2) a summary of the same measure. One of my statutory duties as Attorney General is to send all of the 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 also my statutory duty to determine whether the submitted summary is a “fair and truthful statement of the proposed law or constitutional amendment.” R.C. 3519.01(A). 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). If I conclude that the summary is fair and truthful, I am to certify it as such within ten days of receipt of the petition. In this instance, the tenth day falls on November 17, 2023.

Having reviewed the renewed submission, I am unable to certify the summary as a fair and truthful representation of the proposed amendment. Upon review of the summary, we identified omissions and misstatements that, as a whole, would mislead a potential signer as to the actual scope and effect of the proposed amendment.

First, the summary fails to fairly and truthfully summarize the scope of potential party makeup, potential venue, and nonparty liability under the proposed amendment. With respect to venue, the proposed amendment provides that an action naming a public employee as a defendant “may be brought in any Court of Common Pleas for a county in which that public employee resided or worked at the time the action was filed.” Proposed Amendment, Section (B)(3)(a). It further provides that an action naming the State or a political subdivision may be brought in any county, with the exception that “if a public employee is also named a defendant, then the action may only be brought in a Court of Common Pleas for a county in which that public employee resided or

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worked at the time the action was filed. *Id.*, Section (B)(3)(b). The Amendment is silent on proper venue for actions against multiple public-employee defendants who do not reside or work in the same county at the time the action is filed.

In turn, the summary provides that jurisdiction and venue lies “in the Court of Common Pleas for the county where the public employee who is named as a defendant resides or works at the time the action is filed,” and that “[w]hen only the State or a political subdivision is the defendant the action may be filed in the Court of Common Pleas for any County in Ohio,” but “[i]f both a public employee and the State or a political subdivision are named in the same action, the venue is restricted to the county where the named public employee resided or worked at the time of filing.” Summary, paragraph 3. In this regard, the summary is misleading in two ways.

It is misleading to the extent that it falsely purports to set forth an exhaustive list of potential venues. The summary does not address proper venue in actions where a plaintiff names two public-employee defendants who do not share a common county where they live or work. While the amendment also does not expressly account for venue in such actions, nothing in the proposed amendment limits a plaintiff to a single public-employee defendant. Therefore, the summary is misleading to the extent it purports to set forth all potential venues for an action authorized by the amendment.

By the same token, a reader would also be misled into believing that the proposed amendment limits the type and number of potential governmental defendants. The summary’s limited description of potential venues outlined above further misleads a reader into believing that the proposed amendment limits the makeup of governmental defendants to either (1) one public employee, (2) the State or one political subdivision, or (3) one public employee and the State or one political subdivision. This is driven home by the summary’s reference to a singular public employee in the third foregoing scenario: in such a case, the summary states, venue is restricted to the country where “*the* named public employee” resided or worked. Summary, paragraph 3 (emphasis added.). In actuality, the proposed amendment contains none of the foregoing limitations implied in the summary. In fact, the proposed amendment authorizes actions brought against a “government actor or *actors*.” Proposed Amendment, Section (B)(2).

The summary is also misleading with respect to the nonparty liability created by the proposed amendment. The amendment provides that, if a public employee is found liable for deprivation of a person’s constitutional right, and it is proven by a preponderance that the public employee was acting on behalf of, under color of, or within the scope of authority granted by the State or political subdivision, “then the State or political subdivision shall be held liable to that person for the conduct of the public employee.” Proposed Amendment, Section (D)(3).

Critically, the proposed amendment does not require the State or a political subdivision to be a named party in order to be held liable to the plaintiff under Section (D)(3). This is a significant departure from general legal principles and raises a host of potential substantive issues. But without regard to whether such a provision is legally sound or advisable, the fact that the proposed amendment creates nonparty liability of a State or political subdivision that is never named in a plaintiff’s action is significant. A fair and truthful summary must, at the least, explain that nonparty State or political subdivision liability may arise as a result of the proposed amendment. This summary completely omits this significant aspect and, consequently, is misleading.

Second, the summary omits critical words and would materially mislead a potential signer with respect to defined terms. For example, the summary materially misstates the amendment’s definition of “public employee.” In particular, the proposed amendment states that a “public employee means any *entity* who is.....” but the word “entity,” which is a much broader term encompassing more than individuals, is omitted from the summary. This changes the character of the defined term. The summary also fails to articulate the difference between a public employee as an “entity” versus the common meaning and understanding of a public employee as a human being. This Office expressly noted this flaw in its prior August 18, 2023 declination letter sent in response to the previous iteration of this petition. It remains uncorrected.

Additionally, the proposed amendment defines “State” to mean “the State of Ohio, including, but not limited to, the offices of all elected state officers and all departments and other instrumentalities of the State of Ohio.” Proposed Amendment, Section (A)(1). In contrast, the summary provides that the amendment creates a private cause of action for violations of Ohio Constitutional rights by “the State of Ohio, its officers, departments and instrumentalities” The summary omits that the proposed amendment provides for liability of “the offices of all elected state officers.” The summary’s description of liability for the State’s “officers” does not fairly and truthfully summarize the potential for liability of the offices of elected state officers as set forth in the amendment. This is particularly true when considered with the fact that the State’s “officers” are included within the amendment’s definition of “public employee” rather than within the definition of the “State.” Compare Proposed Amendment, Section (A)(1) with Section (A)(3)(a). The omission of potential liability of the offices of elected state officers is materially misleading.

The summary further omits that the definition of “public employee” includes those individuals and entities that are “not compensated.” Proposed Amendment, Section (A)(3)(a). In light of the ordinary, everyday definition of “employee” as generally *not* including uncompensated persons, this omission is misleading. A reader of the summary would not likely understand that the proposed amendment provides for liability of, for instance, uncompensated volunteers, because the definition’s inclusion of “public employees” that are “not compensated” is omitted from the summary.

Moreover, “public employee” is defined in the proposed amendment as including an independent contractor “who is *authorized to act* and is acting under color of law.” (emphasis added.). Proposed Amendment, Section (A)(3)(b). However, the summary states differently: it provides that liability of independent contractors is “limited to *conduct that is authorized* and under color of state law.” Summary, paragraph 1 (emphasis added.). This is a significant distinction. The summary misleads a reader into believing that an independent contractor is liable only when the specific conduct at issue has been authorized by the State, rather than, as the proposed amendment more broadly provides, when the independent contractor was merely “authorized to act.”

Third, the summary’s statements on remedies and bench-or-jury-trial election are also inaccurate and misleading. The summary states that, as a remedy, “[c]ourts are also *authorized* to order government actors found to have violated Ohio’s Constitution to take reasonable measures to prevent similar violations from occurring in the future.” Summary, paragraph 2 (emphasis added.). This is inaccurate. Instead, the proposed amendment provides that, upon a finding of liability against a government actor, “the court *shall*” order the government actor found liable to take such reasonable measures. Proposed Amendment, Section (E)(2) (emphasis added.). The language

“courts are also authorized” in the summary incorrectly suggests that courts have discretionary authority to order a liable party to take such measures. In reality, the proposed amendment would require courts to do so.

Further, the summary states that remedies under the proposed amendment include “reasonable attorney’s fees,” Summary, paragraph 2, but omits that a prevailing party is entitled to those fees “regardless of whether the attorney provided services on an hourly, contingent, or pro bono basis.” Proposed Amendment, Section (E)(1)(c). This omission potentially misleads a reader into believing that a prevailing party is entitled only to fees that were actually incurred and are owed by that party.

Finally, the summary provides that “the private cause of action created by this Amendment may be tried before the bench or a jury . . .” Summary, paragraph 3. The summary omits that it is the plaintiff who is entitled to this election: the proposed amendment is clear that “[t]he person bringing an action pursuant to this Section may elect whether the action will be tried in a bench or jury trial.” Proposed Amendment, Section (D)(1). By omitting this portion of Section (D)(1), the summary may mislead a reader into believing that a named defendant – be it the State, a political subdivision, or a public employee – also has the right to insist upon a jury or bench trial.

Fourth, the summary’s statements on the liability of a “public employee” are incorrect and misleading. The summary provides that “[l]iability for public employees is limited to those instances where their conduct is authorized by their governmental employers and within the scope of their employments.” Summary, paragraph 1. This tracks the first definitional category of “public employee” contained in the proposed amendment. Proposed Amendment, Section (A)(3)(a). However, this sentence is inaccurate because it ignores that the proposed amendment’s definition of “public employees” also includes “an independent contractor who is authorized to act and is acting under color of law.” *Id.*, Section (A)(3)(b). Thus, it is incorrect and misleading to state that public-employee liability “is limited” to instances falling under Section (A)(3)(a), as the summary purports. The summary does appear to attempt to reconcile this with its next sentence: “Liability for independent contractors is limited to conduct that is authorized and under color of law.” Summary, paragraph 1. Nonetheless, the first sentence purporting to state the limits of public-employee liability remains incorrect and misleading.

Similarly, the summary further provides that the State and political subdivisions are “liable for the constitutional violation of one of its public employees when the conduct that caused the constitutional violation occurs within the course or scope of authority granted to that public employee” by the State or subdivision. Summary, paragraph 1. This, too, is inaccurate because it again fails to contemplate that the proposed amendment’s definition of “public employee” also includes “an independent contractor of the State or a political subdivision who is authorized to act and is acting under the color of law.” Proposed Amendment, Section (A)(3)(b). The summary’s language here is again incorrect and misleads a reader into believing that liability for the State or a political subdivision for conduct by its public employee is limited to the categories of “public employee” set forth in Section (A)(3)(a), when the proposed amendment also defines independent contractors acting under color of state law as “public employees” under Section (A)(3)(b).

Fifth, the summary materially misstates that the proposed amendment’s immunity defenses are “eliminated.” The summary states that “[q]ualified immunity, sovereign immunity, prosecutorial

immunity, and any immunity provided to the State, political subdivision, or public employee by statute are eliminated.” Summary, paragraph 2 (emphasis added.). However, the proposed amendment is not so broad – it provides only that in “*any action pursuant to this Section*, no government actor shall enjoy or may rely upon any immunities or defenses which are only available to government actors or any subset thereof, including but not limited to” qualified immunity, sovereign immunity, prosecutorial immunity, or any immunity provided to government actors by statute. Proposed Amendment, Section (C)(1) (emphasis added.). Thus, the statement that those types of immunity are “eliminated” in all instances is overbroad and fails to fairly summarize that the proposed amendment precludes the use of immunity defenses only “[i]n any action pursuant to this Section[.]” The blanket term “eliminated” would mislead a reader into believing the proposed amendment’s effect on immunity defenses is broader than what the proposed amendment actually provides.

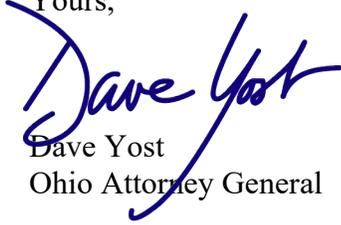
The summary’s statement regarding “elimination” of immunity is overbroad in this respect, but it is also too narrow in another. That is, the purport of the proposed amendment is not limited to immunity. Indeed, the proposed amendment precludes a government actor from enjoying or relying upon “any immunities *or defenses* which are only available to government actors or any subset thereof ...” Proposed Amendment, Section (C)(1) (emphasis added.). Additionally, the proposed amendment’s list of immunities and defenses to which Section (C)(1) is expressly non-exhaustive. *Id.* (“...including but not limited to...”).

In contrast, the summary mentions only immunity. It omits entirely any reference to the proposed amendment’s effect on these “other defenses.” Worse, it omits that these “other defenses” include not just those “only available to government actors,” but also those “only available to ... any subset thereof.” The proposed amendment leaves this broad category—“subsets” of “government actors”—undefined. Thus, the summary fails to encapsulate the broader swath of defenses contemplated by the text of the proposed amendment.

The problem is exacerbated because the summary also omits that the types of immunities which are enumerated therein are part of an expressly non-exhaustive list. By limiting its description of the proposed amendment’s effect to the enumerated types of immunity, the summary fails to fairly and truthfully summarize the full extent of the proposed amendment (i.e., as extending to additional defenses beyond those enumerated types). As a result, a reader would be misled into believing that the types of immunity listed in the summary are the only defenses affected by the proposed amendment, when the proposed amendment’s effects are, as shown, broader.

The above instances are just a few examples of the summary’s omissions and misstatements. It is significant to ask voters to make factual findings at the ballot box. A summary that fails to inform a signer of the existence of such findings does not fairly and truthfully reflect the amendment’s import. Thus, without reaching the balance of the summary, and consistent with my past determinations, I am unable to certify the summary as a fair and truthful statement of the proposed amendment.

Yours,



Dave Yost
Ohio Attorney General

cc: Committee Representing the Petitioners

Derrick Jamison
3015 Hackberry Street
Cincinnati, Ohio 45206

Cynthia Brown
2692 Arcola Road
Columbus, Ohio 43207

Carlos Buford
2130 Della Drive
Dayton, Ohio 45417

Hamza Khabir
26 Gould Avenue
Bedford, Ohio 44146

Jenny Sue Rowe
3340 Peterson Road
Mansfield, Ohio 44903

From: [MacKenzie Clayton](#)
To: [Jacqueline King](#)
Cc: [Julie Pfeiffer](#); [Elizabeth Smith](#); [Stephen Tabatowski](#)
Subject: Petition Letter for Signing
Date: Friday, November 17, 2023 11:20:45 AM
Attachments: [Protecting Ohioans Constitutional Rights \(Seventh Submission\) Letter final.docx](#)
[Protecting Ohioans Constitutional Rights \(Seventh Submission\) Letter final.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)

Good morning Jacque

Attached is the final petition letter for the AG's signature. Per Julie, the AG has already approved!
Please let me know if you need anything else!

Thanks,
MacKenzie



MacKenzie S. Clayton
Paralegal – Constitutional Offices
Office of Ohio Attorney General Dave Yost
Office number: 614-728-8121
Fax number: 866-818-6354
MacKenzie.Clayton@OhioAGO.gov



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DAVE YOST
OHIO ATTORNEY GENERAL

Constitutional Offices Section
Office: 614-466-2872
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November 17, 2023

Mark Brown, Esq.
Capital University Law School
303 E. Broad St.
Columbus, Ohio 43215
Email: MBrown@law.capital.edu

Via regular U.S. Mail and E-mail

Re: Submitted Petition for Initiated Constitutional Amendment to Add Article I, Section 22 of the Ohio Constitution– “Protecting Ohioans’ Constitutional Rights”

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First, the summary fails to fairly and truthfully summarize the scope of potential party makeup, potential venue, and nonparty liability under the proposed amendment. With respect to venue, the proposed amendment provides that an action naming a public employee as a defendant “may be brought in any Court of Common Pleas for a county in which that public employee resided or worked at the time the action was filed.” Proposed Amendment, Section (B)(3)(a). It further provides that an action naming the State or a political subdivision may be brought in any county, with the exception that “if a public employee is also named a defendant, then the action may only be brought in a Court of Common Pleas for a county in which that public employee resided or

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worked at the time the action was filed. *Id.*, Section (B)(3)(b). The Amendment is silent on proper venue for actions against multiple public-employee defendants who do not reside or work in the same county at the time the action is filed.

In turn, the summary provides that jurisdiction and venue lies “in the Court of Common Pleas for the county where the public employee who is named as a defendant resides or works at the time the action is filed,” and that “[w]hen only the State or a political subdivision is the defendant the action may be filed in the Court of Common Pleas for any County in Ohio,” but “[i]f both a public employee and the State or a political subdivision are named in the same action, the venue is restricted to the county where the named public employee resided or worked at the time of filing.” Summary, paragraph 3. In this regard, the summary is misleading in two ways.

It is misleading to the extent that it falsely purports to set forth an exhaustive list of potential venues. The summary does not address proper venue in actions where a plaintiff names two public-employee defendants who do not share a common county where they live or work. While the amendment also does not expressly account for venue in such actions, nothing in the proposed amendment limits a plaintiff to a single public-employee defendant. Therefore, the summary is misleading to the extent it purports to set forth all potential venues for an action authorized by the amendment.

By the same token, a reader would also be misled into believing that the proposed amendment limits the type and number of potential governmental defendants. The summary’s limited description of potential venues outlined above further misleads a reader into believing that the proposed amendment limits the makeup of governmental defendants to either (1) one public employee, (2) the State or one political subdivision, or (3) one public employee and the State or one political subdivision. This is driven home by the summary’s reference to a singular public employee in the third foregoing scenario: in such a case, the summary states, venue is restricted to the country where “*the* named public employee” resided or worked. Summary, paragraph 3 (emphasis added.). In actuality, the proposed amendment contains none of the foregoing limitations implied in the summary. In fact, the proposed amendment authorizes actions brought against a “government actor or *actors*.” Proposed Amendment, Section (B)(2).

The summary is also misleading with respect to the nonparty liability created by the proposed amendment. The amendment provides that, if a public employee is found liable for deprivation of a person’s constitutional right, and it is proven by a preponderance that the public employee was acting on behalf of, under color of, or within the scope of authority granted by the State or political subdivision, “then the State or political subdivision shall be held liable to that person for the conduct of the public employee.” Proposed Amendment, Section (D)(3).

Critically, the proposed amendment does not require the State or a political subdivision to be a named party in order to be held liable to the plaintiff under Section (D)(3). This is a significant departure from general legal principles and raises a host of potential substantive issues. But without regard to whether such a provision is legally sound or advisable, the fact that the proposed amendment creates nonparty liability of a State or political subdivision that is never named in a plaintiff’s action is significant. A fair and truthful summary must, at the least, explain that nonparty State or political subdivision liability may arise as a result of the proposed amendment. This summary completely omits this significant aspect and, consequently, is misleading.

Second, the summary omits critical words and would materially mislead a potential signer with respect to defined terms. For example, the summary materially misstates the amendment’s definition of “public employee.” In particular, the proposed amendment states that a “public employee means any *entity* who is.....” but the word “entity,” which is a much broader term encompassing more than individuals, is omitted from the summary. This changes the character of the defined term. The summary also fails to articulate the difference between a public employee as an “entity” versus the common meaning and understanding of a public employee as a human being. This Office expressly noted this flaw in its prior August 18, 2023 declination letter sent in response to the previous iteration of this petition. It remains uncorrected.

Additionally, the proposed amendment defines “State” to mean “the State of Ohio, including, but not limited to, the offices of all elected state officers and all departments and other instrumentalities of the State of Ohio.” Proposed Amendment, Section (A)(1). In contrast, the summary provides that the amendment creates a private cause of action for violations of Ohio Constitutional rights by “the State of Ohio, its officers, departments and instrumentalities” The summary omits that the proposed amendment provides for liability of “the offices of all elected state officers.” The summary’s description of liability for the State’s “officers” does not fairly and truthfully summarize the potential for liability of the offices of elected state officers as set forth in the amendment. This is particularly true when considered with the fact that the State’s “officers” are included within the amendment’s definition of “public employee” rather than within the definition of the “State.” Compare Proposed Amendment, Section (A)(1) with Section (A)(3)(a). The omission of potential liability of the offices of elected state officers is materially misleading.

The summary further omits that the definition of “public employee” includes those individuals and entities that are “not compensated.” Proposed Amendment, Section (A)(3)(a). In light of the ordinary, everyday definition of “employee” as generally *not* including uncompensated persons, this omission is misleading. A reader of the summary would not likely understand that the proposed amendment provides for liability of, for instance, uncompensated volunteers, because the definition’s inclusion of “public employees” that are “not compensated” is omitted from the summary.

Moreover, “public employee” is defined in the proposed amendment as including an independent contractor “who is *authorized to act* and is acting under color of law.” (emphasis added.). Proposed Amendment, Section (A)(3)(b). However, the summary states differently: it provides that liability of independent contractors is “limited to *conduct that is authorized* and under color of state law.” Summary, paragraph 1 (emphasis added.). This is a significant distinction. The summary misleads a reader into believing that an independent contractor is liable only when the specific conduct at issue has been authorized by the State, rather than, as the proposed amendment more broadly provides, when the independent contractor was merely “authorized to act.”

Third, the summary’s statements on remedies and bench-or-jury-trial election are also inaccurate and misleading. The summary states that, as a remedy, “[c]ourts are also *authorized* to order government actors found to have violated Ohio’s Constitution to take reasonable measures to prevent similar violations from occurring in the future.” Summary, paragraph 2 (emphasis added.). This is inaccurate. Instead, the proposed amendment provides that, upon a finding of liability against a government actor, “the court *shall*” order the government actor found liable to take such reasonable measures. Proposed Amendment, Section (E)(2) (emphasis added.). The language

“courts are also authorized” in the summary incorrectly suggests that courts have discretionary authority to order a liable party to take such measures. In reality, the proposed amendment would require courts to do so.

Further, the summary states that remedies under the proposed amendment include “reasonable attorney’s fees,” Summary, paragraph 2, but omits that a prevailing party is entitled to those fees “regardless of whether the attorney provided services on an hourly, contingent, or pro bono basis.” Proposed Amendment, Section (E)(1)(c). This omission potentially misleads a reader into believing that a prevailing party is entitled only to fees that were actually incurred and are owed by that party.

Finally, the summary provides that “the private cause of action created by this Amendment may be tried before the bench or a jury . . .” Summary, paragraph 3. The summary omits that it is the plaintiff who is entitled to this election: the proposed amendment is clear that “[t]he person bringing an action pursuant to this Section may elect whether the action will be tried in a bench or jury trial.” Proposed Amendment, Section (D)(1). By omitting this portion of Section (D)(1), the summary may mislead a reader into believing that a named defendant – be it the State, a political subdivision, or a public employee – also has the right to insist upon a jury or bench trial.

Fourth, the summary’s statements on the liability of a “public employee” are incorrect and misleading. The summary provides that “[l]iability for public employees is limited to those instances where their conduct is authorized by their governmental employers and within the scope of their employments.” Summary, paragraph 1. This tracks the first definitional category of “public employee” contained in the proposed amendment. Proposed Amendment, Section (A)(3)(a). However, this sentence is inaccurate because it ignores that the proposed amendment’s definition of “public employees” also includes “an independent contractor who is authorized to act and is acting under color of law.” *Id.*, Section (A)(3)(b). Thus, it is incorrect and misleading to state that public-employee liability “is limited” to instances falling under Section (A)(3)(a), as the summary purports. The summary does appear to attempt to reconcile this with its next sentence: “Liability for independent contractors is limited to conduct that is authorized and under color of law.” Summary, paragraph 1. Nonetheless, the first sentence purporting to state the limits of public-employee liability remains incorrect and misleading.

Similarly, the summary further provides that the State and political subdivisions are “liable for the constitutional violation of one of its public employees when the conduct that caused the constitutional violation occurs within the course or scope of authority granted to that public employee” by the State or subdivision. Summary, paragraph 1. This, too, is inaccurate because it again fails to contemplate that the proposed amendment’s definition of “public employee” also includes “an independent contractor of the State or a political subdivision who is authorized to act and is acting under the color of law.” Proposed Amendment, Section (A)(3)(b). The summary’s language here is again incorrect and misleads a reader into believing that liability for the State or a political subdivision for conduct by its public employee is limited to the categories of “public employee” set forth in Section (A)(3)(a), when the proposed amendment also defines independent contractors acting under color of state law as “public employees” under Section (A)(3)(b).

Fifth, the summary materially misstates that the proposed amendment’s immunity defenses are “eliminated.” The summary states that “[q]ualified immunity, sovereign immunity, prosecutorial

immunity, and any immunity provided to the State, political subdivision, or public employee by statute are eliminated.” Summary, paragraph 2 (emphasis added.). However, the proposed amendment is not so broad – it provides only that in “*any action pursuant to this Section*, no government actor shall enjoy or may rely upon any immunities or defenses which are only available to government actors or any subset thereof, including but not limited to” qualified immunity, sovereign immunity, prosecutorial immunity, or any immunity provided to government actors by statute. Proposed Amendment, Section (C)(1) (emphasis added.). Thus, the statement that those types of immunity are “eliminated” in all instances is overbroad and fails to fairly summarize that the proposed amendment precludes the use of immunity defenses only “[i]n any action pursuant to this Section[.]” The blanket term “eliminated” would mislead a reader into believing the proposed amendment’s effect on immunity defenses is broader than what the proposed amendment actually provides.

The summary’s statement regarding “elimination” of immunity is overbroad in this respect, but it is also too narrow in another. That is, the purport of the proposed amendment is not limited to immunity. Indeed, the proposed amendment precludes a government actor from enjoying or relying upon “any immunities *or defenses* which are only available to government actors or any subset thereof ...” Proposed Amendment, Section (C)(1) (emphasis added.). Additionally, the proposed amendment’s list of immunities and defenses to which Section (C)(1) is expressly non-exhaustive. *Id.* (“...including but not limited to...”).

In contrast, the summary mentions only immunity. It omits entirely any reference to the proposed amendment’s effect on these “other defenses.” Worse, it omits that these “other defenses” include not just those “only available to government actors,” but also those “only available to ... any subset thereof.” The proposed amendment leaves this broad category—“subsets” of “government actors”—undefined. Thus, the summary fails to encapsulate the broader swath of defenses contemplated by the text of the proposed amendment.

The problem is exacerbated because the summary also omits that the types of immunities which are enumerated therein are part of an expressly non-exhaustive list. By limiting its description of the proposed amendment’s effect to the enumerated types of immunity, the summary fails to fairly and truthfully summarize the full extent of the proposed amendment (i.e., as extending to additional defenses beyond those enumerated types). As a result, a reader would be misled into believing that the types of immunity listed in the summary are the only defenses affected by the proposed amendment, when the proposed amendment’s effects are, as shown, broader.

The above instances are just a few examples of the summary’s omissions and misstatements. It is significant to ask voters to make factual findings at the ballot box. A summary that fails to inform a signer of the existence of such findings does not fairly and truthfully reflect the amendment’s import. Thus, without reaching the balance of the summary, and consistent with my past determinations, I am unable to certify the summary as a fair and truthful statement of the proposed amendment.

Yours,

Dave Yost
Ohio Attorney General

cc: Committee Representing the Petitioners

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DAVE YOST
OHIO ATTORNEY GENERAL

Constitutional Offices
Section
Office: 614-466-2872

November 17, 2023

Mark Brown, Esq.
Capital University Law School
303 E. Broad St.
Columbus, Ohio 43215
Email: MBrown@law.capital.edu

Via regular U.S. Mail and E-mail

Re: Submitted Petition for Initiated Constitutional Amendment to Add Article I, Section 22 of the Ohio Constitution– “Protecting Ohioans’ Constitutional Rights”

Dear Mr. Brown,

On November 8, 2023, in accordance with Ohio Revised Code Section 3519.01(A), I received a written petition containing (1) a copy of a proposed constitutional amendment, and (2) a summary of the same measure. One of my statutory duties as Attorney General is to send all of the 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 also my statutory duty to determine whether the submitted summary is a “fair and truthful statement of the proposed law or constitutional amendment.” R.C. 3519.01(A). 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). If I conclude that the summary is fair and truthful, I am to certify it as such within ten days of receipt of the petition. In this instance, the tenth day falls on November 17, 2023.

Having reviewed the renewed submission, I am unable to certify the summary as a fair and truthful representation of the proposed amendment. Upon review of the summary, we identified omissions and misstatements that, as a whole, would mislead a potential signer as to the actual scope and effect of the proposed amendment.

First, the summary fails to fairly and truthfully summarize the scope of potential party makeup, potential venue, and nonparty liability under the proposed amendment. With respect to venue, the proposed amendment provides that an action naming a public employee as a defendant “may be brought in any Court of Common Pleas for a county in which that public employee resided or worked at the time the action was filed.” Proposed Amendment, Section (B)(3)(a). It further provides that an action naming the State or a political subdivision may be brought in any county, with the exception that “if a public employee is also named a defendant, then the action may only be brought in a Court of Common Pleas for a county in which that public employee resided or

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worked at the time the action was filed. *Id.*, Section (B)(3)(b). The Amendment is silent on proper venue for actions against multiple public-employee defendants who do not reside or work in the same county at the time the action is filed.

In turn, the summary provides that jurisdiction and venue lies “in the Court of Common Pleas for the county where the public employee who is named as a defendant resides or works at the time the action is filed,” and that “[w]hen only the State or a political subdivision is the defendant the action may be filed in the Court of Common Pleas for any County in Ohio,” but “[i]f both a public employee and the State or a political subdivision are named in the same action, the venue is restricted to the county where the named public employee resided or worked at the time of filing.” Summary, paragraph 3. In this regard, the summary is misleading in two ways.

It is misleading to the extent that it falsely purports to set forth an exhaustive list of potential venues. The summary does not address proper venue in actions where a plaintiff names two public-employee defendants who do not share a common county where they live or work. While the amendment also does not expressly account for venue in such actions, nothing in the proposed amendment limits a plaintiff to a single public-employee defendant. Therefore, the summary is misleading to the extent it purports to set forth all potential venues for an action authorized by the amendment.

By the same token, a reader would also be misled into believing that the proposed amendment limits the type and number of potential governmental defendants. The summary’s limited description of potential venues outlined above further misleads a reader into believing that the proposed amendment limits the makeup of governmental defendants to either (1) one public employee, (2) the State or one political subdivision, or (3) one public employee and the State or one political subdivision. This is driven home by the summary’s reference to a singular public employee in the third foregoing scenario: in such a case, the summary states, venue is restricted to the country where “*the* named public employee” resided or worked. Summary, paragraph 3 (emphasis added.). In actuality, the proposed amendment contains none of the foregoing limitations implied in the summary. In fact, the proposed amendment authorizes actions brought against a “government actor or *actors*.” Proposed Amendment, Section (B)(2).

The summary is also misleading with respect to the nonparty liability created by the proposed amendment. The amendment provides that, if a public employee is found liable for deprivation of a person’s constitutional right, and it is proven by a preponderance that the public employee was acting on behalf of, under color of, or within the scope of authority granted by the State or political subdivision, “then the State or political subdivision shall be held liable to that person for the conduct of the public employee.” Proposed Amendment, Section (D)(3).

Critically, the proposed amendment does not require the State or a political subdivision to be a named party in order to be held liable to the plaintiff under Section (D)(3). This is a significant departure from general legal principles and raises a host of potential substantive issues. But without regard to whether such a provision is legally sound or advisable, the fact that the proposed amendment creates nonparty liability of a State or political subdivision that is never named in a plaintiff’s action is significant. A fair and truthful summary must, at the least, explain that nonparty State or political subdivision liability may arise as a result of the proposed amendment. This summary completely omits this significant aspect and, consequently, is misleading.

Second, the summary omits critical words and would materially mislead a potential signer with respect to defined terms. For example, the summary materially misstates the amendment’s definition of “public employee.” In particular, the proposed amendment states that a “public employee means any *entity* who is.....” but the word “entity,” which is a much broader term encompassing more than individuals, is omitted from the summary. This changes the character of the defined term. The summary also fails to articulate the difference between a public employee as an “entity” versus the common meaning and understanding of a public employee as a human being. This Office expressly noted this flaw in its prior August 18, 2023 declination letter sent in response to the previous iteration of this petition. It remains uncorrected.

Additionally, the proposed amendment defines “State” to mean “the State of Ohio, including, but not limited to, the offices of all elected state officers and all departments and other instrumentalities of the State of Ohio.” Proposed Amendment, Section (A)(1). In contrast, the summary provides that the amendment creates a private cause of action for violations of Ohio Constitutional rights by “the State of Ohio, its officers, departments and instrumentalities” The summary omits that the proposed amendment provides for liability of “the offices of all elected state officers.” The summary’s description of liability for the State’s “officers” does not fairly and truthfully summarize the potential for liability of the offices of elected state officers as set forth in the amendment. This is particularly true when considered with the fact that the State’s “officers” are included within the amendment’s definition of “public employee” rather than within the definition of the “State.” Compare Proposed Amendment, Section (A)(1) with Section (A)(3)(a). The omission of potential liability of the offices of elected state officers is materially misleading.

The summary further omits that the definition of “public employee” includes those individuals and entities that are “not compensated.” Proposed Amendment, Section (A)(3)(a). In light of the ordinary, everyday definition of “employee” as generally *not* including uncompensated persons, this omission is misleading. A reader of the summary would not likely understand that the proposed amendment provides for liability of, for instance, uncompensated volunteers, because the definition’s inclusion of “public employees” that are “not compensated” is omitted from the summary.

Moreover, “public employee” is defined in the proposed amendment as including an independent contractor “who is *authorized to act* and is acting under color of law.” (emphasis added.). Proposed Amendment, Section (A)(3)(b). However, the summary states differently: it provides that liability of independent contractors is “limited to *conduct that is authorized* and under color of state law.” Summary, paragraph 1 (emphasis added.). This is a significant distinction. The summary misleads a reader into believing that an independent contractor is liable only when the specific conduct at issue has been authorized by the State, rather than, as the proposed amendment more broadly provides, when the independent contractor was merely “authorized to act.”

Third, the summary’s statements on remedies and bench-or-jury-trial election are also inaccurate and misleading. The summary states that, as a remedy, “[c]ourts are also *authorized* to order government actors found to have violated Ohio’s Constitution to take reasonable measures to prevent similar violations from occurring in the future.” Summary, paragraph 2 (emphasis added.). This is inaccurate. Instead, the proposed amendment provides that, upon a finding of liability against a government actor, “the court *shall*” order the government actor found liable to take such reasonable measures. Proposed Amendment, Section (E)(2) (emphasis added.). The language

“courts are also authorized” in the summary incorrectly suggests that courts have discretionary authority to order a liable party to take such measures. In reality, the proposed amendment would require courts to do so.

Further, the summary states that remedies under the proposed amendment include “reasonable attorney’s fees,” Summary, paragraph 2, but omits that a prevailing party is entitled to those fees “regardless of whether the attorney provided services on an hourly, contingent, or pro bono basis.” Proposed Amendment, Section (E)(1)(c). This omission potentially misleads a reader into believing that a prevailing party is entitled only to fees that were actually incurred and are owed by that party.

Finally, the summary provides that “the private cause of action created by this Amendment may be tried before the bench or a jury . . .” Summary, paragraph 3. The summary omits that it is the plaintiff who is entitled to this election: the proposed amendment is clear that “[t]he person bringing an action pursuant to this Section may elect whether the action will be tried in a bench or jury trial.” Proposed Amendment, Section (D)(1). By omitting this portion of Section (D)(1), the summary may mislead a reader into believing that a named defendant – be it the State, a political subdivision, or a public employee – also has the right to insist upon a jury or bench trial.

Fourth, the summary’s statements on the liability of a “public employee” are incorrect and misleading. The summary provides that “[l]iability for public employees is limited to those instances where their conduct is authorized by their governmental employers and within the scope of their employments.” Summary, paragraph 1. This tracks the first definitional category of “public employee” contained in the proposed amendment. Proposed Amendment, Section (A)(3)(a). However, this sentence is inaccurate because it ignores that the proposed amendment’s definition of “public employees” also includes “an independent contractor who is authorized to act and is acting under color of law.” *Id.*, Section (A)(3)(b). Thus, it is incorrect and misleading to state that public-employee liability “is limited” to instances falling under Section (A)(3)(a), as the summary purports. The summary does appear to attempt to reconcile this with its next sentence: “Liability for independent contractors is limited to conduct that is authorized and under color of law.” Summary, paragraph 1. Nonetheless, the first sentence purporting to state the limits of public-employee liability remains incorrect and misleading.

Similarly, the summary further provides that the State and political subdivisions are “liable for the constitutional violation of one of its public employees when the conduct that caused the constitutional violation occurs within the course or scope of authority granted to that public employee” by the State or subdivision. Summary, paragraph 1. This, too, is inaccurate because it again fails to contemplate that the proposed amendment’s definition of “public employee” also includes “an independent contractor of the State or a political subdivision who is authorized to act and is acting under the color of law.” Proposed Amendment, Section (A)(3)(b). The summary’s language here is again incorrect and misleads a reader into believing that liability for the State or a political subdivision for conduct by its public employee is limited to the categories of “public employee” set forth in Section (A)(3)(a), when the proposed amendment also defines independent contractors acting under color of state law as “public employees” under Section (A)(3)(b).

Fifth, the summary materially misstates that the proposed amendment’s immunity defenses are “eliminated.” The summary states that “[q]ualified immunity, sovereign immunity, prosecutorial

immunity, and any immunity provided to the State, political subdivision, or public employee by statute are eliminated.” Summary, paragraph 2 (emphasis added.). However, the proposed amendment is not so broad – it provides only that in “*any action pursuant to this Section*, no government actor shall enjoy or may rely upon any immunities or defenses which are only available to government actors or any subset thereof, including but not limited to” qualified immunity, sovereign immunity, prosecutorial immunity, or any immunity provided to government actors by statute. Proposed Amendment, Section (C)(1) (emphasis added.). Thus, the statement that those types of immunity are “eliminated” in all instances is overbroad and fails to fairly summarize that the proposed amendment precludes the use of immunity defenses only “[i]n any action pursuant to this Section[.]” The blanket term “eliminated” would mislead a reader into believing the proposed amendment’s effect on immunity defenses is broader than what the proposed amendment actually provides.

The summary’s statement regarding “elimination” of immunity is overbroad in this respect, but it is also too narrow in another. That is, the purport of the proposed amendment is not limited to immunity. Indeed, the proposed amendment precludes a government actor from enjoying or relying upon “any immunities *or defenses* which are only available to government actors or any subset thereof ...” Proposed Amendment, Section (C)(1) (emphasis added.). Additionally, the proposed amendment’s list of immunities and defenses to which Section (C)(1) is expressly non-exhaustive. *Id.* (“...including but not limited to...”).

In contrast, the summary mentions only immunity. It omits entirely any reference to the proposed amendment’s effect on these “other defenses.” Worse, it omits that these “other defenses” include not just those “only available to government actors,” but also those “only available to ... any subset thereof.” The proposed amendment leaves this broad category—“subsets” of “government actors”—undefined. Thus, the summary fails to encapsulate the broader swath of defenses contemplated by the text of the proposed amendment.

The problem is exacerbated because the summary also omits that the types of immunities which are enumerated therein are part of an expressly non-exhaustive list. By limiting its description of the proposed amendment’s effect to the enumerated types of immunity, the summary fails to fairly and truthfully summarize the full extent of the proposed amendment (i.e., as extending to additional defenses beyond those enumerated types). As a result, a reader would be misled into believing that the types of immunity listed in the summary are the only defenses affected by the proposed amendment, when the proposed amendment’s effects are, as shown, broader.

The above instances are just a few examples of the summary’s omissions and misstatements. It is significant to ask voters to make factual findings at the ballot box. A summary that fails to inform a signer of the existence of such findings does not fairly and truthfully reflect the amendment’s import. Thus, without reaching the balance of the summary, and consistent with my past determinations, I am unable to certify the summary as a fair and truthful statement of the proposed amendment.

Yours,

Dave Yost
Ohio Attorney General

cc: Committee Representing the Petitioners

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Jenny Sue Rowe
3340 Peterson Road
Mansfield, Ohio 44903

From: [Jacqueline King](#)
To: [Danielle Warner](#)
Subject: FW: issue 1 issue 2
Date: Monday, November 27, 2023 3:20:00 PM

The AG received this email in the public account that I monitor. Sharing this with you so that it can be added to CID for processing.

From: Shannon Barrett <shannonpaulbarrett@gmail.com>
Sent: Monday, November 27, 2023 10:13 AM
To: Dave Yost <Dave.Yost@OhioAGO.gov>
Subject: issue 1 issue 2

It is not up to the Attorney General, and Secretary of State, of Ohio to make sure language is clear for laws, issues, amendments, and anything that is going onto the ballot for, and before voting?

Legislators are busy trying to make alterations to Issue 2 before it rolls out claiming voters didn't know what they were voting on.

Ohio's Senate president says he is working with bipartisan lawmakers in both chambers to quickly develop and pass legislation to revise the state's voter-approved marijuana legalization law before key provisions take effect next month, arguing that it's what "the public generally wants" because voters likely didn't think through the specifics of the reform they voted on.

Are legislators doing the same diligence to ensure Issue 1 was understood by Ohio voters? I'd say no.

Issue 1 was an amendment to our Ohio constitution. Wording on this amendment was left very open and very confusing to read at the ballot box. I still read it as any "individual" means any age. And it looks like to me we just made it a constitutional right in Ohio for doctors/physicians, if they choice to, terminate an unborn. It was left so vague, that it doesn't say whether the parents have any say in it.

Legislators need to respect the will of the voters, and not cherry pick issues they didn't fully accept. They need to accept that; we the people know what we are voting for. If it is worded confusingly, or left vague like issue 1, (or Issue 2 according to Huffman), it needs to be fixed and made clear by the AG and SOS before it goes on the ballot.

Shannon Barrett

From: [Brandy Saunders](#)
To: [Amy Sexton](#)
Cc: [Jacqueline King](#)
Subject: FW: Attorney General Yost Invitation from Pregnancy Decision Health Center (PDHC)
Date: Monday, November 27, 2023 1:28:36 PM
Attachments: [image001.png](#)

Good afternoon all,

We've received an invitation to pass along to you all for Attorney General Yost. Ms. Kathy Scanlon with the Pregnancy Decision Health Center (PDHC) and is extending a 'short notice' invitation request for the Attorney General to speak to staff for 30 – 60 minutes including Q&A. This is set to take place at their All-day education retreat on 11/29/2023.

Location to follow:

665 E. Dublin Granville Rd. Suite 210. Columbus, 43229.

Ms. Scanlon said that with the passing of Issue 1, PDHC wants to understand through, analysis how best they can help their clients.

Contact Information:

-----Constituent Information-----

MatterID: 2035116

Constituent: Kathy Scanlon

Address: 665 E. Dublin Granville Rd
Suite 210
Columbus, OH 43229

County: Franklin
(614) 888-8774 x 120
Email: kathys@pdhc.org

Received Date: 11/27/2023

All the best,



Brandy L. Saunders
Constituent Services Supervisor
Constituent Services & Outreach
Office of Ohio Attorney General Dave Yost
Office number: (614) 779-0175
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Brandy.Saunders@OhioAGO.gov

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From: Sandra Henderson <Sandra.Henderson@OhioAGO.gov>

Sent: Monday, November 27, 2023 11:51 AM

To: Nicholas Nevius <Nicholas.Nevius@OhioAGO.gov>; Brandy Saunders <Brandy.Saunders@OhioAGO.gov>; Jeremy Stevens <Jeremy.Stevens@OhioAGO.gov>

Subject: Details on CID MatterID: 2035116

Good morning –

This is a schedule request for AG Yost to speak on 11/29.

Please let me know if you have any questions.

Sandra Henderson
Public Inquiries Assistant
Constituent Services and Outreach



Office of Ohio Attorney General Dave Yost
614.644.8529
Sandra.Henderson@OhioAGO.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

-----Constituent Information-----

MatterID: 2035116
Constituent: Kathy Scanlon

Address: 665 E. Dublin Granville Rd
Suite 210
Columbus, OH 43229

County: Franklin
(614) 888-8774 x 120
Email: kathys@pdhc.org

Received Date: 11/27/2023

-----Original Message-----

Caller is with Pregnancy Decision Health Center (PDHC) and is inviting AG Yost to speak to staff at their All-day education retreat on 11/29 for 30 -- 60 minutes including Q&A. 665 E. Dublin Granville Rd. Suite 210. Columbus, 43229. Caller said that with the passing of Issue 1, PDHC is wanting to understand through analysis how best they can help their clients.

I would like the Attorney General to help by:



DAVE YOST
OHIO ATTORNEY GENERAL

Constitutional Offices Section
Office: 614-466-2872
Fax: 614-728-7592

November 17, 2023

Mark Brown, Esq.
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Columbus, Ohio 43215
Email: MBrown@law.capital.edu

Via regular U.S. Mail and E-mail

Re: Submitted Petition for Initiated Constitutional Amendment to Add Article I, Section 22 of the Ohio Constitution– “Protecting Ohioans’ Constitutional Rights”

Dear Mr. Brown,

On November 8, 2023, in accordance with Ohio Revised Code Section 3519.01(A), I received a written petition containing (1) a copy of a proposed constitutional amendment, and (2) a summary of the same measure. One of my statutory duties as Attorney General is to send all of the 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 also my statutory duty to determine whether the submitted summary is a “fair and truthful statement of the proposed law or constitutional amendment.” R.C. 3519.01(A). 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). If I conclude that the summary is fair and truthful, I am to certify it as such within ten days of receipt of the petition. In this instance, the tenth day falls on November 17, 2023.

Having reviewed the renewed submission, I am unable to certify the summary as a fair and truthful representation of the proposed amendment. Upon review of the summary, we identified omissions and misstatements that, as a whole, would mislead a potential signer as to the actual scope and effect of the proposed amendment.

First, the summary fails to fairly and truthfully summarize the scope of potential party makeup, potential venue, and nonparty liability under the proposed amendment. With respect to venue, the proposed amendment provides that an action naming a public employee as a defendant “may be brought in any Court of Common Pleas for a county in which that public employee resided or worked at the time the action was filed.” Proposed Amendment, Section (B)(3)(a). It further provides that an action naming the State or a political subdivision may be brought in any county, with the exception that “if a public employee is also named a defendant, then the action may only be brought in a Court of Common Pleas for a county in which that public employee resided or

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worked at the time the action was filed. *Id.*, Section (B)(3)(b). The Amendment is silent on proper venue for actions against multiple public-employee defendants who do not reside or work in the same county at the time the action is filed.

In turn, the summary provides that jurisdiction and venue lies “in the Court of Common Pleas for the county where the public employee who is named as a defendant resides or works at the time the action is filed,” and that “[w]hen only the State or a political subdivision is the defendant the action may be filed in the Court of Common Pleas for any County in Ohio,” but “[i]f both a public employee and the State or a political subdivision are named in the same action, the venue is restricted to the county where the named public employee resided or worked at the time of filing.” Summary, paragraph 3. In this regard, the summary is misleading in two ways.

It is misleading to the extent that it falsely purports to set forth an exhaustive list of potential venues. The summary does not address proper venue in actions where a plaintiff names two public-employee defendants who do not share a common county where they live or work. While the amendment also does not expressly account for venue in such actions, nothing in the proposed amendment limits a plaintiff to a single public-employee defendant. Therefore, the summary is misleading to the extent it purports to set forth all potential venues for an action authorized by the amendment.

By the same token, a reader would also be misled into believing that the proposed amendment limits the type and number of potential governmental defendants. The summary’s limited description of potential venues outlined above further misleads a reader into believing that the proposed amendment limits the makeup of governmental defendants to either (1) one public employee, (2) the State or one political subdivision, or (3) one public employee and the State or one political subdivision. This is driven home by the summary’s reference to a singular public employee in the third foregoing scenario: in such a case, the summary states, venue is restricted to the country where “*the* named public employee” resided or worked. Summary, paragraph 3 (emphasis added.). In actuality, the proposed amendment contains none of the foregoing limitations implied in the summary. In fact, the proposed amendment authorizes actions brought against a “government actor or *actors*.” Proposed Amendment, Section (B)(2).

The summary is also misleading with respect to the nonparty liability created by the proposed amendment. The amendment provides that, if a public employee is found liable for deprivation of a person’s constitutional right, and it is proven by a preponderance that the public employee was acting on behalf of, under color of, or within the scope of authority granted by the State or political subdivision, “then the State or political subdivision shall be held liable to that person for the conduct of the public employee.” Proposed Amendment, Section (D)(3).

Critically, the proposed amendment does not require the State or a political subdivision to be a named party in order to be held liable to the plaintiff under Section (D)(3). This is a significant departure from general legal principles and raises a host of potential substantive issues. But without regard to whether such a provision is legally sound or advisable, the fact that the proposed amendment creates nonparty liability of a State or political subdivision that is never named in a plaintiff’s action is significant. A fair and truthful summary must, at the least, explain that nonparty State or political subdivision liability may arise as a result of the proposed amendment. This summary completely omits this significant aspect and, consequently, is misleading.

Second, the summary omits critical words and would materially mislead a potential signer with respect to defined terms. For example, the summary materially misstates the amendment’s definition of “public employee.” In particular, the proposed amendment states that a “public employee means any *entity* who is.....” but the word “entity,” which is a much broader term encompassing more than individuals, is omitted from the summary. This changes the character of the defined term. The summary also fails to articulate the difference between a public employee as an “entity” versus the common meaning and understanding of a public employee as a human being. This Office expressly noted this flaw in its prior August 18, 2023 declination letter sent in response to the previous iteration of this petition. It remains uncorrected.

Additionally, the proposed amendment defines “State” to mean “the State of Ohio, including, but not limited to, the offices of all elected state officers and all departments and other instrumentalities of the State of Ohio.” Proposed Amendment, Section (A)(1). In contrast, the summary provides that the amendment creates a private cause of action for violations of Ohio Constitutional rights by “the State of Ohio, its officers, departments and instrumentalities” The summary omits that the proposed amendment provides for liability of “the offices of all elected state officers.” The summary’s description of liability for the State’s “officers” does not fairly and truthfully summarize the potential for liability of the offices of elected state officers as set forth in the amendment. This is particularly true when considered with the fact that the State’s “officers” are included within the amendment’s definition of “public employee” rather than within the definition of the “State.” Compare Proposed Amendment, Section (A)(1) with Section (A)(3)(a). The omission of potential liability of the offices of elected state officers is materially misleading.

The summary further omits that the definition of “public employee” includes those individuals and entities that are “not compensated.” Proposed Amendment, Section (A)(3)(a). In light of the ordinary, everyday definition of “employee” as generally *not* including uncompensated persons, this omission is misleading. A reader of the summary would not likely understand that the proposed amendment provides for liability of, for instance, uncompensated volunteers, because the definition’s inclusion of “public employees” that are “not compensated” is omitted from the summary.

Moreover, “public employee” is defined in the proposed amendment as including an independent contractor “who is *authorized to act* and is acting under color of law.” (emphasis added.). Proposed Amendment, Section (A)(3)(b). However, the summary states differently: it provides that liability of independent contractors is “limited to *conduct that is authorized* and under color of state law.” Summary, paragraph 1 (emphasis added.). This is a significant distinction. The summary misleads a reader into believing that an independent contractor is liable only when the specific conduct at issue has been authorized by the State, rather than, as the proposed amendment more broadly provides, when the independent contractor was merely “authorized to act.”

Third, the summary’s statements on remedies and bench-or-jury-trial election are also inaccurate and misleading. The summary states that, as a remedy, “[c]ourts are also *authorized* to order government actors found to have violated Ohio’s Constitution to take reasonable measures to prevent similar violations from occurring in the future.” Summary, paragraph 2 (emphasis added.). This is inaccurate. Instead, the proposed amendment provides that, upon a finding of liability against a government actor, “the court *shall*” order the government actor found liable to take such reasonable measures. Proposed Amendment, Section (E)(2) (emphasis added.). The language

“courts are also authorized” in the summary incorrectly suggests that courts have discretionary authority to order a liable party to take such measures. In reality, the proposed amendment would require courts to do so.

Further, the summary states that remedies under the proposed amendment include “reasonable attorney’s fees,” Summary, paragraph 2, but omits that a prevailing party is entitled to those fees “regardless of whether the attorney provided services on an hourly, contingent, or pro bono basis.” Proposed Amendment, Section (E)(1)(c). This omission potentially misleads a reader into believing that a prevailing party is entitled only to fees that were actually incurred and are owed by that party.

Finally, the summary provides that “the private cause of action created by this Amendment may be tried before the bench or a jury” Summary, paragraph 3. The summary omits that it is the plaintiff who is entitled to this election: the proposed amendment is clear that “[t]he person bringing an action pursuant to this Section may elect whether the action will be tried in a bench or jury trial.” Proposed Amendment, Section (D)(1). By omitting this portion of Section (D)(1), the summary may mislead a reader into believing that a named defendant – be it the State, a political subdivision, or a public employee – also has the right to insist upon a jury or bench trial.

Fourth, the summary’s statements on the liability of a “public employee” are incorrect and misleading. The summary provides that “[l]iability for public employees is limited to those instances where their conduct is authorized by their governmental employers and within the scope of their employments.” Summary, paragraph 1. This tracks the first definitional category of “public employee” contained in the proposed amendment. Proposed Amendment, Section (A)(3)(a). However, this sentence is inaccurate because it ignores that the proposed amendment’s definition of “public employees” also includes “an independent contractor who is authorized to act and is acting under color of law.” *Id.*, Section (A)(3)(b). Thus, it is incorrect and misleading to state that public-employee liability “is limited” to instances falling under Section (A)(3)(a), as the summary purports. The summary does appear to attempt to reconcile this with its next sentence: “Liability for independent contractors is limited to conduct that is authorized and under color of law.” Summary, paragraph 1. Nonetheless, the first sentence purporting to state the limits of public-employee liability remains incorrect and misleading.

Similarly, the summary further provides that the State and political subdivisions are “liable for the constitutional violation of one of its public employees when the conduct that caused the constitutional violation occurs within the course or scope of authority granted to that public employee” by the State or subdivision. Summary, paragraph 1. This, too, is inaccurate because it again fails to contemplate that the proposed amendment’s definition of “public employee” also includes “an independent contractor of the State or a political subdivision who is authorized to act and is acting under the color of law.” Proposed Amendment, Section (A)(3)(b). The summary’s language here is again incorrect and misleads a reader into believing that liability for the State or a political subdivision for conduct by its public employee is limited to the categories of “public employee” set forth in Section (A)(3)(a), when the proposed amendment also defines independent contractors acting under color of state law as “public employees” under Section (A)(3)(b).

Fifth, the summary materially misstates that the proposed amendment’s immunity defenses are “eliminated.” The summary states that “[q]ualified immunity, sovereign immunity, prosecutorial

immunity, and any immunity provided to the State, political subdivision, or public employee by statute are eliminated.” Summary, paragraph 2 (emphasis added.). However, the proposed amendment is not so broad – it provides only that in “*any action pursuant to this Section*, no government actor shall enjoy or may rely upon any immunities or defenses which are only available to government actors or any subset thereof, including but not limited to” qualified immunity, sovereign immunity, prosecutorial immunity, or any immunity provided to government actors by statute. Proposed Amendment, Section (C)(1) (emphasis added.). Thus, the statement that those types of immunity are “eliminated” in all instances is overbroad and fails to fairly summarize that the proposed amendment precludes the use of immunity defenses only “[i]n any action pursuant to this Section[.]” The blanket term “eliminated” would mislead a reader into believing the proposed amendment’s effect on immunity defenses is broader than what the proposed amendment actually provides.

The summary’s statement regarding “elimination” of immunity is overbroad in this respect, but it is also too narrow in another. That is, the purport of the proposed amendment is not limited to immunity. Indeed, the proposed amendment precludes a government actor from enjoying or relying upon “any immunities *or defenses* which are only available to government actors or any subset thereof ...” Proposed Amendment, Section (C)(1) (emphasis added.). Additionally, the proposed amendment’s list of immunities and defenses to which Section (C)(1) is expressly non-exhaustive. *Id.* (“...including but not limited to...”).

In contrast, the summary mentions only immunity. It omits entirely any reference to the proposed amendment’s effect on these “other defenses.” Worse, it omits that these “other defenses” include not just those “only available to government actors,” but also those “only available to ... any subset thereof.” The proposed amendment leaves this broad category—“subsets” of “government actors”—undefined. Thus, the summary fails to encapsulate the broader swath of defenses contemplated by the text of the proposed amendment.

The problem is exacerbated because the summary also omits that the types of immunities which are enumerated therein are part of an expressly non-exhaustive list. By limiting its description of the proposed amendment’s effect to the enumerated types of immunity, the summary fails to fairly and truthfully summarize the full extent of the proposed amendment (i.e., as extending to additional defenses beyond those enumerated types). As a result, a reader would be misled into believing that the types of immunity listed in the summary are the only defenses affected by the proposed amendment, when the proposed amendment’s effects are, as shown, broader.

The above instances are just a few examples of the summary’s omissions and misstatements. It is significant to ask voters to make factual findings at the ballot box. A summary that fails to inform a signer of the existence of such findings does not fairly and truthfully reflect the amendment’s import. Thus, without reaching the balance of the summary, and consistent with my past determinations, I am unable to certify the summary as a fair and truthful statement of the proposed amendment.

Yours,

Dave Yost
Ohio Attorney General

cc: Committee Representing the Petitioners

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November 17, 2023

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Via regular U.S. Mail and E-mail

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In turn, the summary provides that jurisdiction and venue lies “in the Court of Common Pleas for the county where the public employee who is named as a defendant resides or works at the time the action is filed,” and that “[w]hen only the State or a political subdivision is the defendant the action may be filed in the Court of Common Pleas for any County in Ohio,” but “[i]f both a public employee and the State or a political subdivision are named in the same action, the venue is restricted to the county where the named public employee resided or worked at the time of filing.” Summary, paragraph 3. In this regard, the summary is misleading in two ways.

It is misleading to the extent that it falsely purports to set forth an exhaustive list of potential venues. The summary does not address proper venue in actions where a plaintiff names two public-employee defendants who do not share a common county where they live or work. While the amendment also does not expressly account for venue in such actions, nothing in the proposed amendment limits a plaintiff to a single public-employee defendant. Therefore, the summary is misleading to the extent it purports to set forth all potential venues for an action authorized by the amendment.

By the same token, a reader would also be misled into believing that the proposed amendment limits the type and number of potential governmental defendants. The summary’s limited description of potential venues outlined above further misleads a reader into believing that the proposed amendment limits the makeup of governmental defendants to either (1) one public employee, (2) the State or one political subdivision, or (3) one public employee and the State or one political subdivision. This is driven home by the summary’s reference to a singular public employee in the third foregoing scenario: in such a case, the summary states, venue is restricted to the country where “*the* named public employee” resided or worked. Summary, paragraph 3 (emphasis added.). In actuality, the proposed amendment contains none of the foregoing limitations implied in the summary. In fact, the proposed amendment authorizes actions brought against a “government actor or *actors*.” Proposed Amendment, Section (B)(2).

The summary is also misleading with respect to the nonparty liability created by the proposed amendment. The amendment provides that, if a public employee is found liable for deprivation of a person’s constitutional right, and it is proven by a preponderance that the public employee was acting on behalf of, under color of, or within the scope of authority granted by the State or political subdivision, “then the State or political subdivision shall be held liable to that person for the conduct of the public employee.” Proposed Amendment, Section (D)(3).

Critically, the proposed amendment does not require the State or a political subdivision to be a named party in order to be held liable to the plaintiff under Section (D)(3). This is a significant departure from general legal principles and raises a host of potential substantive issues. But without regard to whether such a provision is legally sound or advisable, the fact that the proposed amendment creates nonparty liability of a State or political subdivision that is never named in a plaintiff’s action is significant. A fair and truthful summary must, at the least, explain that nonparty State or political subdivision liability may arise as a result of the proposed amendment. This summary completely omits this significant aspect and, consequently, is misleading.

Second, the summary omits critical words and would materially mislead a potential signer with respect to defined terms. For example, the summary materially misstates the amendment’s definition of “public employee.” In particular, the proposed amendment states that a “public employee means any *entity* who is.....” but the word “entity,” which is a much broader term encompassing more than individuals, is omitted from the summary. This changes the character of the defined term. The summary also fails to articulate the difference between a public employee as an “entity” versus the common meaning and understanding of a public employee as a human being. This Office expressly noted this flaw in its prior August 18, 2023 declination letter sent in response to the previous iteration of this petition. It remains uncorrected.

Additionally, the proposed amendment defines “State” to mean “the State of Ohio, including, but not limited to, the offices of all elected state officers and all departments and other instrumentalities of the State of Ohio.” Proposed Amendment, Section (A)(1). In contrast, the summary provides that the amendment creates a private cause of action for violations of Ohio Constitutional rights by “the State of Ohio, its officers, departments and instrumentalities” The summary omits that the proposed amendment provides for liability of “the offices of all elected state officers.” The summary’s description of liability for the State’s “officers” does not fairly and truthfully summarize the potential for liability of the offices of elected state officers as set forth in the amendment. This is particularly true when considered with the fact that the State’s “officers” are included within the amendment’s definition of “public employee” rather than within the definition of the “State.” Compare Proposed Amendment, Section (A)(1) with Section (A)(3)(a). The omission of potential liability of the offices of elected state officers is materially misleading.

The summary further omits that the definition of “public employee” includes those individuals and entities that are “not compensated.” Proposed Amendment, Section (A)(3)(a). In light of the ordinary, everyday definition of “employee” as generally *not* including uncompensated persons, this omission is misleading. A reader of the summary would not likely understand that the proposed amendment provides for liability of, for instance, uncompensated volunteers, because the definition’s inclusion of “public employees” that are “not compensated” is omitted from the summary.

Moreover, “public employee” is defined in the proposed amendment as including an independent contractor “who is *authorized to act* and is acting under color of law.” (emphasis added.). Proposed Amendment, Section (A)(3)(b). However, the summary states differently: it provides that liability of independent contractors is “limited to *conduct that is authorized* and under color of state law.” Summary, paragraph 1 (emphasis added.). This is a significant distinction. The summary misleads a reader into believing that an independent contractor is liable only when the specific conduct at issue has been authorized by the State, rather than, as the proposed amendment more broadly provides, when the independent contractor was merely “authorized to act.”

Third, the summary’s statements on remedies and bench-or-jury-trial election are also inaccurate and misleading. The summary states that, as a remedy, “[c]ourts are also *authorized* to order government actors found to have violated Ohio’s Constitution to take reasonable measures to prevent similar violations from occurring in the future.” Summary, paragraph 2 (emphasis added.). This is inaccurate. Instead, the proposed amendment provides that, upon a finding of liability against a government actor, “the court *shall*” order the government actor found liable to take such reasonable measures. Proposed Amendment, Section (E)(2) (emphasis added.). The language

“courts are also authorized” in the summary incorrectly suggests that courts have discretionary authority to order a liable party to take such measures. In reality, the proposed amendment would require courts to do so.

Further, the summary states that remedies under the proposed amendment include “reasonable attorney’s fees,” Summary, paragraph 2, but omits that a prevailing party is entitled to those fees “regardless of whether the attorney provided services on an hourly, contingent, or pro bono basis.” Proposed Amendment, Section (E)(1)(c). This omission potentially misleads a reader into believing that a prevailing party is entitled only to fees that were actually incurred and are owed by that party.

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Fourth, the summary’s statements on the liability of a “public employee” are incorrect and misleading. The summary provides that “[l]iability for public employees is limited to those instances where their conduct is authorized by their governmental employers and within the scope of their employments.” Summary, paragraph 1. This tracks the first definitional category of “public employee” contained in the proposed amendment. Proposed Amendment, Section (A)(3)(a). However, this sentence is inaccurate because it ignores that the proposed amendment’s definition of “public employees” also includes “an independent contractor who is authorized to act and is acting under color of law.” *Id.*, Section (A)(3)(b). Thus, it is incorrect and misleading to state that public-employee liability “is limited” to instances falling under Section (A)(3)(a), as the summary purports. The summary does appear to attempt to reconcile this with its next sentence: “Liability for independent contractors is limited to conduct that is authorized and under color of law.” Summary, paragraph 1. Nonetheless, the first sentence purporting to state the limits of public-employee liability remains incorrect and misleading.

Similarly, the summary further provides that the State and political subdivisions are “liable for the constitutional violation of one of its public employees when the conduct that caused the constitutional violation occurs within the course or scope of authority granted to that public employee” by the State or subdivision. Summary, paragraph 1. This, too, is inaccurate because it again fails to contemplate that the proposed amendment’s definition of “public employee” also includes “an independent contractor of the State or a political subdivision who is authorized to act and is acting under the color of law.” Proposed Amendment, Section (A)(3)(b). The summary’s language here is again incorrect and misleads a reader into believing that liability for the State or a political subdivision for conduct by its public employee is limited to the categories of “public employee” set forth in Section (A)(3)(a), when the proposed amendment also defines independent contractors acting under color of state law as “public employees” under Section (A)(3)(b).

Fifth, the summary materially misstates that the proposed amendment’s immunity defenses are “eliminated.” The summary states that “[q]ualified immunity, sovereign immunity, prosecutorial

immunity, and any immunity provided to the State, political subdivision, or public employee by statute are eliminated.” Summary, paragraph 2 (emphasis added.). However, the proposed amendment is not so broad – it provides only that in “*any action pursuant to this Section*, no government actor shall enjoy or may rely upon any immunities or defenses which are only available to government actors or any subset thereof, including but not limited to” qualified immunity, sovereign immunity, prosecutorial immunity, or any immunity provided to government actors by statute. Proposed Amendment, Section (C)(1) (emphasis added.). Thus, the statement that those types of immunity are “eliminated” in all instances is overbroad and fails to fairly summarize that the proposed amendment precludes the use of immunity defenses only “[i]n any action pursuant to this Section[.]” The blanket term “eliminated” would mislead a reader into believing the proposed amendment’s effect on immunity defenses is broader than what the proposed amendment actually provides.

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In contrast, the summary mentions only immunity. It omits entirely any reference to the proposed amendment’s effect on these “other defenses.” Worse, it omits that these “other defenses” include not just those “only available to government actors,” but also those “only available to ... any subset thereof.” The proposed amendment leaves this broad category—“subsets” of “government actors”—undefined. Thus, the summary fails to encapsulate the broader swath of defenses contemplated by the text of the proposed amendment.

The problem is exacerbated because the summary also omits that the types of immunities which are enumerated therein are part of an expressly non-exhaustive list. By limiting its description of the proposed amendment’s effect to the enumerated types of immunity, the summary fails to fairly and truthfully summarize the full extent of the proposed amendment (i.e., as extending to additional defenses beyond those enumerated types). As a result, a reader would be misled into believing that the types of immunity listed in the summary are the only defenses affected by the proposed amendment, when the proposed amendment’s effects are, as shown, broader.

The above instances are just a few examples of the summary’s omissions and misstatements. It is significant to ask voters to make factual findings at the ballot box. A summary that fails to inform a signer of the existence of such findings does not fairly and truthfully reflect the amendment’s import. Thus, without reaching the balance of the summary, and consistent with my past determinations, I am unable to certify the summary as a fair and truthful statement of the proposed amendment.

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cc: Committee Representing the Petitioners

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November 17, 2023

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Via regular U.S. Mail and E-mail

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worked at the time the action was filed. *Id.*, Section (B)(3)(b). The Amendment is silent on proper venue for actions against multiple public-employee defendants who do not reside or work in the same county at the time the action is filed.

In turn, the summary provides that jurisdiction and venue lies “in the Court of Common Pleas for the county where the public employee who is named as a defendant resides or works at the time the action is filed,” and that “[w]hen only the State or a political subdivision is the defendant the action may be filed in the Court of Common Pleas for any County in Ohio,” but “[i]f both a public employee and the State or a political subdivision are named in the same action, the venue is restricted to the county where the named public employee resided or worked at the time of filing.” Summary, paragraph 3. In this regard, the summary is misleading in two ways.

It is misleading to the extent that it falsely purports to set forth an exhaustive list of potential venues. The summary does not address proper venue in actions where a plaintiff names two public-employee defendants who do not share a common county where they live or work. While the amendment also does not expressly account for venue in such actions, nothing in the proposed amendment limits a plaintiff to a single public-employee defendant. Therefore, the summary is misleading to the extent it purports to set forth all potential venues for an action authorized by the amendment.

By the same token, a reader would also be misled into believing that the proposed amendment limits the type and number of potential governmental defendants. The summary’s limited description of potential venues outlined above further misleads a reader into believing that the proposed amendment limits the makeup of governmental defendants to either (1) one public employee, (2) the State or one political subdivision, or (3) one public employee and the State or one political subdivision. This is driven home by the summary’s reference to a singular public employee in the third foregoing scenario: in such a case, the summary states, venue is restricted to the country where “*the* named public employee” resided or worked. Summary, paragraph 3 (emphasis added.). In actuality, the proposed amendment contains none of the foregoing limitations implied in the summary. In fact, the proposed amendment authorizes actions brought against a “government actor or *actors*.” Proposed Amendment, Section (B)(2).

The summary is also misleading with respect to the nonparty liability created by the proposed amendment. The amendment provides that, if a public employee is found liable for deprivation of a person’s constitutional right, and it is proven by a preponderance that the public employee was acting on behalf of, under color of, or within the scope of authority granted by the State or political subdivision, “then the State or political subdivision shall be held liable to that person for the conduct of the public employee.” Proposed Amendment, Section (D)(3).

Critically, the proposed amendment does not require the State or a political subdivision to be a named party in order to be held liable to the plaintiff under Section (D)(3). This is a significant departure from general legal principles and raises a host of potential substantive issues. But without regard to whether such a provision is legally sound or advisable, the fact that the proposed amendment creates nonparty liability of a State or political subdivision that is never named in a plaintiff’s action is significant. A fair and truthful summary must, at the least, explain that nonparty State or political subdivision liability may arise as a result of the proposed amendment. This summary completely omits this significant aspect and, consequently, is misleading.

Second, the summary omits critical words and would materially mislead a potential signer with respect to defined terms. For example, the summary materially misstates the amendment’s definition of “public employee.” In particular, the proposed amendment states that a “public employee means any *entity* who is.....” but the word “entity,” which is a much broader term encompassing more than individuals, is omitted from the summary. This changes the character of the defined term. The summary also fails to articulate the difference between a public employee as an “entity” versus the common meaning and understanding of a public employee as a human being. This Office expressly noted this flaw in its prior August 18, 2023 declination letter sent in response to the previous iteration of this petition. It remains uncorrected.

Additionally, the proposed amendment defines “State” to mean “the State of Ohio, including, but not limited to, the offices of all elected state officers and all departments and other instrumentalities of the State of Ohio.” Proposed Amendment, Section (A)(1). In contrast, the summary provides that the amendment creates a private cause of action for violations of Ohio Constitutional rights by “the State of Ohio, its officers, departments and instrumentalities” The summary omits that the proposed amendment provides for liability of “the offices of all elected state officers.” The summary’s description of liability for the State’s “officers” does not fairly and truthfully summarize the potential for liability of the offices of elected state officers as set forth in the amendment. This is particularly true when considered with the fact that the State’s “officers” are included within the amendment’s definition of “public employee” rather than within the definition of the “State.” Compare Proposed Amendment, Section (A)(1) with Section (A)(3)(a). The omission of potential liability of the offices of elected state officers is materially misleading.

The summary further omits that the definition of “public employee” includes those individuals and entities that are “not compensated.” Proposed Amendment, Section (A)(3)(a). In light of the ordinary, everyday definition of “employee” as generally *not* including uncompensated persons, this omission is misleading. A reader of the summary would not likely understand that the proposed amendment provides for liability of, for instance, uncompensated volunteers, because the definition’s inclusion of “public employees” that are “not compensated” is omitted from the summary.

Moreover, “public employee” is defined in the proposed amendment as including an independent contractor “who is *authorized to act* and is acting under color of law.” (emphasis added.). Proposed Amendment, Section (A)(3)(b). However, the summary states differently: it provides that liability of independent contractors is “limited to *conduct that is authorized* and under color of state law.” Summary, paragraph 1 (emphasis added.). This is a significant distinction. The summary misleads a reader into believing that an independent contractor is liable only when the specific conduct at issue has been authorized by the State, rather than, as the proposed amendment more broadly provides, when the independent contractor was merely “authorized to act.”

Third, the summary’s statements on remedies and bench-or-jury-trial election are also inaccurate and misleading. The summary states that, as a remedy, “[c]ourts are also *authorized* to order government actors found to have violated Ohio’s Constitution to take reasonable measures to prevent similar violations from occurring in the future.” Summary, paragraph 2 (emphasis added.). This is inaccurate. Instead, the proposed amendment provides that, upon a finding of liability against a government actor, “the court *shall*” order the government actor found liable to take such reasonable measures. Proposed Amendment, Section (E)(2) (emphasis added.). The language

“courts are also authorized” in the summary incorrectly suggests that courts have discretionary authority to order a liable party to take such measures. In reality, the proposed amendment would require courts to do so.

Further, the summary states that remedies under the proposed amendment include “reasonable attorney’s fees,” Summary, paragraph 2, but omits that a prevailing party is entitled to those fees “regardless of whether the attorney provided services on an hourly, contingent, or pro bono basis.” Proposed Amendment, Section (E)(1)(c). This omission potentially misleads a reader into believing that a prevailing party is entitled only to fees that were actually incurred and are owed by that party.

Finally, the summary provides that “the private cause of action created by this Amendment may be tried before the bench or a jury . . .” Summary, paragraph 3. The summary omits that it is the plaintiff who is entitled to this election: the proposed amendment is clear that “[t]he person bringing an action pursuant to this Section may elect whether the action will be tried in a bench or jury trial.” Proposed Amendment, Section (D)(1). By omitting this portion of Section (D)(1), the summary may mislead a reader into believing that a named defendant – be it the State, a political subdivision, or a public employee – also has the right to insist upon a jury or bench trial.

Fourth, the summary’s statements on the liability of a “public employee” are incorrect and misleading. The summary provides that “[l]iability for public employees is limited to those instances where their conduct is authorized by their governmental employers and within the scope of their employments.” Summary, paragraph 1. This tracks the first definitional category of “public employee” contained in the proposed amendment. Proposed Amendment, Section (A)(3)(a). However, this sentence is inaccurate because it ignores that the proposed amendment’s definition of “public employees” also includes “an independent contractor who is authorized to act and is acting under color of law.” *Id.*, Section (A)(3)(b). Thus, it is incorrect and misleading to state that public-employee liability “is limited” to instances falling under Section (A)(3)(a), as the summary purports. The summary does appear to attempt to reconcile this with its next sentence: “Liability for independent contractors is limited to conduct that is authorized and under color of law.” Summary, paragraph 1. Nonetheless, the first sentence purporting to state the limits of public-employee liability remains incorrect and misleading.

Similarly, the summary further provides that the State and political subdivisions are “liable for the constitutional violation of one of its public employees when the conduct that caused the constitutional violation occurs within the course or scope of authority granted to that public employee” by the State or subdivision. Summary, paragraph 1. This, too, is inaccurate because it again fails to contemplate that the proposed amendment’s definition of “public employee” also includes “an independent contractor of the State or a political subdivision who is authorized to act and is acting under the color of law.” Proposed Amendment, Section (A)(3)(b). The summary’s language here is again incorrect and misleads a reader into believing that liability for the State or a political subdivision for conduct by its public employee is limited to the categories of “public employee” set forth in Section (A)(3)(a), when the proposed amendment also defines independent contractors acting under color of state law as “public employees” under Section (A)(3)(b).

Fifth, the summary materially misstates that the proposed amendment’s immunity defenses are “eliminated.” The summary states that “[q]ualified immunity, sovereign immunity, prosecutorial

immunity, and any immunity provided to the State, political subdivision, or public employee by statute are eliminated.” Summary, paragraph 2 (emphasis added.). However, the proposed amendment is not so broad – it provides only that in “*any action pursuant to this Section*, no government actor shall enjoy or may rely upon any immunities or defenses which are only available to government actors or any subset thereof, including but not limited to” qualified immunity, sovereign immunity, prosecutorial immunity, or any immunity provided to government actors by statute. Proposed Amendment, Section (C)(1) (emphasis added.). Thus, the statement that those types of immunity are “eliminated” in all instances is overbroad and fails to fairly summarize that the proposed amendment precludes the use of immunity defenses only “[i]n any action pursuant to this Section[.]” The blanket term “eliminated” would mislead a reader into believing the proposed amendment’s effect on immunity defenses is broader than what the proposed amendment actually provides.

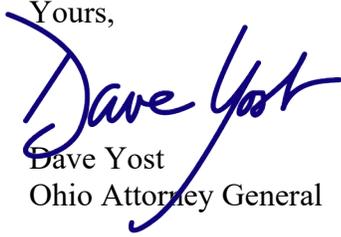
The summary’s statement regarding “elimination” of immunity is overbroad in this respect, but it is also too narrow in another. That is, the purport of the proposed amendment is not limited to immunity. Indeed, the proposed amendment precludes a government actor from enjoying or relying upon “any immunities *or defenses* which are only available to government actors or any subset thereof ...” Proposed Amendment, Section (C)(1) (emphasis added.). Additionally, the proposed amendment’s list of immunities and defenses to which Section (C)(1) is expressly non-exhaustive. *Id.* (“...including but not limited to...”).

In contrast, the summary mentions only immunity. It omits entirely any reference to the proposed amendment’s effect on these “other defenses.” Worse, it omits that these “other defenses” include not just those “only available to government actors,” but also those “only available to ... any subset thereof.” The proposed amendment leaves this broad category—“subsets” of “government actors”—undefined. Thus, the summary fails to encapsulate the broader swath of defenses contemplated by the text of the proposed amendment.

The problem is exacerbated because the summary also omits that the types of immunities which are enumerated therein are part of an expressly non-exhaustive list. By limiting its description of the proposed amendment’s effect to the enumerated types of immunity, the summary fails to fairly and truthfully summarize the full extent of the proposed amendment (i.e., as extending to additional defenses beyond those enumerated types). As a result, a reader would be misled into believing that the types of immunity listed in the summary are the only defenses affected by the proposed amendment, when the proposed amendment’s effects are, as shown, broader.

The above instances are just a few examples of the summary’s omissions and misstatements. It is significant to ask voters to make factual findings at the ballot box. A summary that fails to inform a signer of the existence of such findings does not fairly and truthfully reflect the amendment’s import. Thus, without reaching the balance of the summary, and consistent with my past determinations, I am unable to certify the summary as a fair and truthful statement of the proposed amendment.

Yours,



Dave Yost
Ohio Attorney General

cc: Committee Representing the Petitioners

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COUNTY: Butler

NUMBER: 00094

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:

The Protecting Ohioans' Constitutional Rights Amendment creates a private cause of action on behalf of persons whose rights under Ohio's Constitution are violated, or caused to be violated, by (1) the State of Ohio, its officers, departments and instrumentalities, (2) political subdivisions of Ohio, including municipal corporations, townships, counties and school districts, (3) public employees of the State or its political subdivisions, and (4) independent contractors of the State or its political subdivisions. Liability for public employees is limited to those instances where their conduct is authorized by their governmental employers and within the scope of their employments. Liability of independent contractors is limited to conduct that is authorized and under color of law. The State of Ohio is liable for the constitutional violation of one of its public employees when the conduct that caused the constitutional violation occurs within the course or scope of authority granted to that public employee by the State of Ohio. A political subdivision is liable for the constitutional violation of one of its public employees when the conduct that caused the constitutional violation occurs within the course or scope of authority that has been granted by the political subdivision to that to the public employee.

Qualified immunity, sovereign immunity, prosecutorial immunity, and any immunity provided to the State, political subdivision, or public employee by statute are eliminated. Remedies for constitutional violations include compensation for economic and non-economic damages, equitable and injunctive relief, any other remedies prescribed by State law, federal law, or common law, and awards of reasonable attorney's fees. Courts are also authorized to order government actors found to have violated Ohio's Constitution to take reasonable measures to prevent similar violations from occurring in the future. Any finding of liability against a public employee under this Amendment provides just cause for termination of the employment, agreement, or contract giving rise to the public employee's status as a public employee.

The private cause of action created by this Amendment may be tried before the bench or a jury, but in either case violations must be proven by a preponderance of evidence. Jurisdiction and venue over the private cause of action created by this Amendment lie in the Court of Common Pleas for the county where the public employee who is named as a defendant resides or works at the time the action is filed. When only the State or a political subdivision is the defendant the action may be filed in the Court of Common Pleas for any county in Ohio. If both a public employee and the State or a political subdivision are named in the same action, the venue is restricted to the county where the named public employee resided or worked at the time of filing. All claims must be commenced no later than six years from the date the alleged constitutional violation is alleged to have occurred. This amendment contains a severability clause. The effective date would be January 1, 2025.

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:

Cynthia Brown	2692 Arcola Road, Columbus, Ohio 43207
Carlos Buford	2130 Della Drive, Dayton, Ohio 45417
Derrick Jamison	3015 Hackberry Street, Cincinnati, Ohio 45206
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

- (1) "State" means the State of Ohio, including, but not limited to, the offices of all elected state officers and all departments and other instrumentalities of the State of Ohio.
- (2) "Political subdivision" means any body corporate or politic responsible for governmental activities within a geographic subsection of the State, including but not limited to a municipal corporation, township, county, or school district.
- (3) "Public employee" means any entity who is:
 - (a) an officer, agent, employee, or servant, of the State or a political subdivision, whether or not compensated or full time or part-time, who is authorized to act and is acting within the scope of the officer's, agent's, employee's, or servant's employment by the State or political subdivision; or
 - (b) an independent contractor of the State or a political subdivision who is authorized to act and is acting under the color of law.
- (4) "Government actor" means the State, any political subdivision thereof, or any public employee of the State or of any political subdivision thereof.
- (5) "Person" means any individual resident of Ohio or individual within the State.
- (6) "Constitutional right" means any right, privilege or immunity secured pursuant to the constitution of Ohio.

(B) Claim for Deprivation of Rights Guaranteed by the Constitution of Ohio

- (1) No government actor shall cause any person to be subjected to deprivation of any constitutional right.
- (2) A person who claims to have suffered a deprivation of any constitutional right due to acts or omissions of any government actor or actors may bring a civil action against said government actor or actors.
- (3) A civil action pursuant to this Section may be brought in the following jurisdictions:
 - (a) An action naming a public employee as a defendant may be brought in any Court of Common Pleas for a county in which that public employee resided or worked at the time the action was filed.
 - (b) An action naming the State or a political subdivision as a defendant may be brought in the Court of Common Pleas for any county in the State. However, if a public employee is also named as a defendant to the same action, then the action may only be brought in a Court of Common Pleas for a county in which that public employee resided or worked at the time the action was filed.

(C) Immunity Defenses Prohibited

- (1) In any action pursuant to this Section, no government actor shall enjoy or may rely upon any immunities or defenses which are only available to government actors or any subset thereof, including but not limited to:
 - (a) Qualified immunity;
 - (b) Sovereign immunity;
 - (c) Prosecutorial immunity; or
 - (d) Any immunity provided to the State, political subdivisions, or public employees by statute.

(D) Determination Of Liability

- (1) The person bringing an action pursuant to this Section may elect whether the action will be tried in a bench trial or jury trial.
 - (a) In a bench trial, the court's decision on any claim brought hereunder shall be supported by findings of facts and conclusions of law.
 - (b) In a jury trial, any party may submit interrogatories to the jury asking for its findings of fact and application of the court's instructions as to the law.
- (2) Any government actor is liable for the deprivation of a person's constitutional rights if it is proven by a preponderance of evidence that the government actor's acts or omissions caused the person to be deprived of any constitutional right.
- (3) In addition, if a public employee is found liable for the deprivation of a person's constitutional rights pursuant to subsection (D)(2), and it is proven by a preponderance of evidence that the public employee was acting on behalf of, under color of, or within the course or scope of authority granted by the State or political subdivision, then the State or political subdivision shall be held liable to that person for the conduct of the public employee.
- (4) Terminating a public employee shall not affect the liability of the State or political subdivision for the terminated public employee's conduct.

(E) Remedies Upon A Determination Of Liability

- (1) If a government actor is found liable for the deprivation of a person's constitutional rights, that person shall be entitled to any or all of the following relief:
 - (a) Compensation for economic and non-economic damages, without limitation;
 - (b) Equitable or injunctive relief;
 - (c) Recovery of reasonable attorney's fees, regardless of whether the attorney provided services on an hourly, contingent, or pro bono basis; and
 - (d) Any other remedies prescribed by State or federal law or available pursuant to common law.
- (2) In addition to the relief awarded to the person, the court shall order any government actor found liable for the deprivation of a person's constitutional rights to take reasonable measures to prevent a similar rights violation from re-occurring.

(F) Statute of Limitations

(1) A claim made under this Section shall be commenced no later than six years from the date that the deprivation of a constitutional right is alleged to have occurred.

(G) Termination of Contract, Agreement, or Employment

(1) A finding of liability against a public employee pursuant to this Section is just cause for termination of the employment, agreement, or contract giving rise to the public employee's status as a public employee.

(H) Severability Clause

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

(I) Effective Date

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



MEMORANDUM

TO: Senior Staff
FROM: Jacob Sargent, Legislative Liaison, Policy & Legislation
Heather Plahuta, Legislative Liaison, Policy & Legislation
DATE: January 12th, 2024
RE: Weekly Legislative Update

LEGISLATIVE UPDATE

This week, the Ohio House of Representatives met and overrode Governor DeWine’s veto of [HB 68](#). Originally introduced by Representative Click (R, Vickery), HB 68 would enact both the “Saving Ohio Adolescents from Experimentation (SAFE) Act” regarding gender transition services for minors, and the “Save Women’s Sports Act” which would require schools, state institutions of higher education, and private colleges to designate separate single-sex teams and sports for each sex. The veto was overridden by a vote of 65-28. The House also passed [HB 184](#), sponsored by Representatives Bird (R, Loveland) and Brennan (D, Parma). HB 184 is an AGO initiative that would extend the requirements of charities to register with the AG’s office to collection receptacles, and those who operate them. The bill makes additional changes to the Ohio Charitable Solicitation Law related to filing requirements with the Attorney General, limitations on the duration of solicitations, and recordkeeping requirements. HB 184 passed 85-5. Lastly, the House appointed Representative Beryl Piccolantonio to fill the recent vacancy in the 4th District upon Representative Mary Lightbody’s retirement.

The House Government Oversight Committee held a second hearing on [HB 313](#), which would provide firearms training for fire investigators, and permit such an investigator who has received that training and has been specifically authorized to carry firearms while on duty. The bill would also grant such an investigator the same right to carry a concealed handgun in this state as a concealed handgun licensee.

Lastly, the House Higher Education Committee met to hold a fourth hearing on [HB 183](#), which would enact the “Protect All Students Act,” regarding single-sex bathroom access in primary and secondary schools and institutions of higher education. The committee accepted a substitute bill that would permit individuals to prove their biological sex with the use of their birth certificate. The sub-bill adds language prohibiting institutions of higher education from “knowingly” permitting a student to use a restroom, locker room, or changing room that does not align with their biological sex. Additionally, the sub-bill adds exceptions to the bill’s policies for cases in which a child under the age of 10 is being assisted by a parent, guardian, or family member; or in which a person with a disability is being assisted by another person, as well as for janitorial services or in cases of emergency.



LEGISLATION SPOTLIGHT

[HB 371](#), or the “Enact Issue 1 Implementation Act” was introduced by Representatives Dean (R, Xenia) and Gross (R, West Chester) on January 3rd, 2024. The bill states that all authority over implementing Ohio Constitution Article I, Section 22 is exclusively held by the Ohio General Assembly. Under the bill, all jurisdictions would be withdrawn from and denied to the Courts of Common Pleas and all other courts in Ohio. Following passage of this legislation, all pending or new matters brought before a court regarding Article I, Section 22, would be dismissed. Were HB 371 to pass, all violations by a judge would constitute a misdemeanor and be considered an impeachable offence. Article I Section 22 of the Ohio Constitution is the newly accepted language concerning abortion rights in Ohio that was recently added upon the approval by Ohio voters November 7th, 2023. HB 371 has been referred to the House Civil Justice Committee, where it awaits a first hearing.

TRACKED LEGISLATION- STATUS UPDATES

- HB68 GENDER SERVICES FOR MINORS, SINGLE-SEX SPORTS TEAMS (CLICK G)** To enact the Saving Ohio Adolescents from Experimentation (SAFE) Act regarding gender transition services for minors, and to enact the Save Women's Sports Act to require schools, state institutions of higher education, and private colleges to designate separate single-sex teams and sports for each sex.
Current Status: 1/10/2024 - Consideration of Governor's Veto; House Overrides Veto, Vote 65-28
- HB101 APPROPRIATIONS, STATE PROGRAM OPERATIONS (BIRD A)** To make appropriations and to provide authorization and conditions for the operation of state programs, and to amend the versions of sections 2950.11, 3301.53, and 3301.55 of the Revised Code that are scheduled to take effect January 1, 2025, to continue the provisions of this act on and after that effective date.
Current Status: 1/10/2024 - Consideration of Senate Amendments; House Does Concur, Vote 82-9
- HB179 VICARIOUS LIABILITY IN TORT ACTIONS (MATHEWS A, STEWART B)** Relative to vicarious liability in tort actions and to provide that the tolling of the limitations period during the defendant's absence or concealment does not apply to statutes of repose.
Current Status: 1/10/2024 - **PASSED BY HOUSE**; Vote 92-0
- HB183 SINGLE-SEX BATHROOMS (LEAR B, BIRD A)** To enact the Protect All Students Act regarding single-sex bathroom access in primary and secondary schools and institutions of higher education and to amend the version of section



3314.03 of the Revised Code that is scheduled to take effect January 1, 2025, to continue the changes on and after that date.

Current Status: 1/10/2024 - **SUBSTITUTE BILL ACCEPTED**, House Higher Education, (Fourth Hearing)

HB184 CHARITABLE SOLICITATIONS (BIRD A, BRENNAN S) Regarding charitable solicitations.

Current Status: 1/10/2024 - **PASSED BY HOUSE**; Vote 85-5

HB258 TOBACCO SALES TO MINORS (CARRUTHERS S) To increase fines for repeatedly selling tobacco products to minors and to apply the public nuisance law to places where such sales occur.

Current Status: 1/10/2024 - **PASSED BY HOUSE**; Vote 83-8

HB313 FIREARM TRAINING FOR FIRE INVESTIGATORS (CALLENDER J, MATHEWS A) To provide firearms training for fire investigators; to permit such an investigator who has received that training and has been specifically authorized to carry firearms while on duty; to grant such an investigator the same right to carry a concealed handgun in this state as a concealed handgun licensee; and to amend the version of section 109.73 of the Revised Code that is scheduled to take effect on December 29, 2023, to continue the change on and after that date.

Current Status: 1/9/2024 - House Government Oversight, (Second Hearing)

HB366 FIGHT ORGANIZED RETAIL CRIME ACT (GHANBARI H) To enact the Fight Organized Retail Crime and Empower Law Enforcement (FORCE) Act to create the Organized Retail Theft Advisory Council and an investigative task force, to modify theft offenses and penalties related to retail property, and to make an appropriation.

Current Status: 1/9/2024 - Referred to Committee House Criminal Justice

HB367 PROHIBIT UNAUTHORIZED DEEPFAKES (MATHEWS A, HILLYER B) To make changes to the law relating to the unauthorized use of an individual's persona and to prohibit certain unauthorized deepfake recordings.

Current Status: 1/9/2024 - Referred to Committee House Government Oversight

HB376 KIDFLUENCERS PROTECTION ACT (GRIM M, MCNALLY L) To require vloggers to hold in a trust account a portion of compensation earned from any content featuring minors and to name this act the Kidfluencer Protection Act.



Current Status: 1/10/2024 - Introduced

SB98 FRAUDULENT, DECEPTIVE BUSINESS PRACTICES (RULLI M) To address fraudulent business filings, deceptive mailings, reinstatement of canceled business entities, and addresses of statutory agents.

Current Status: 1/9/2024 - Referred to Committee House State and Local Government

RECENTLY INTRODUCED LEGISLATION

HB 373 VEHICLE INSPECTIONS-CLERK OF COURT (Wiggam, S; Stewart, B) To authorize a clerk of court to conduct the required physical inspection of a motor vehicle in specified circumstances.

HB 374 NONRESIDENT DRIVERS-INTERNATIONAL LICENSURE (Mohamed, I; Dobos, D) To clarify that certain nonresident drivers with valid international drivers' licenses may drive in Ohio.

HB 375 TAX FORECLOSURE, LAND REUTILIZATION CORPORATIONS (Demetriou, S; Patton, T) To make changes to the law relating to tax foreclosures and county land reutilization corporations.

SB 211 ENTER LICENSURE COMPACT - DIETICIANS (Roegner, K) To enter into the Dietitian Licensure Compact.

From: [Hannah Hundley](#)
To: [Section Chiefs and Above](#); [Policy And Public Affairs](#); [Internal News Subscribers](#)
Subject: News Clips 12/12
Date: Tuesday, December 12, 2023 8:31:32 AM



[ColumbusUnderground.com](#) • USA • Dec 12 • 07:00 AM



Ohio Gets Abortion Rights. But What's Next?

... avenues, medical professionals hope to see guidance from [Ohio Attorney General Dave Yost](#), and even state medical licensing boards to ...



[Journal-News](#) • USA • Dec 12 • 05:55 AM



Landscaping business owner wins court fight with Ohio AG over cleanup, but health officials find more violations

... principles are juxtaposed in this case," Hein wrote. [Ohio Attorney General Dave Yost](#) sued Evans in 2021 after more than 20 years of ...



[CBS News](#) • USA • Dec 12 • 01:37 AM



Year In Review: 2023's Biggest News Stories

... of the derailed Norfolk Southern trains, Feb. 6, 2023. The [Ohio attorney general](#) said Tuesday, March 14, that the state filed a lawsuit ...



[Democratic Underground](#) • USA • Dec 12 • 01:32 AM



Ohio AG: six-week abortion ban unconstitutional, but Supreme Court case should go on

... abortion access amendment, affects the case. Republican **Attorney General Dave Yost** admitted in his brief what he said during the campaign ...



East Liverpool Review • USA • Dec 12 • 12:18 AM

Email bomb threats at EL schools found not credible

... the Department of Homeland Security and FBI. According to **Ohio Attorney General David Yost**, the Ohio Homeland Security, Terrorism ...



WYTV-TV • USA • Dec 11 • 10:45 PM

Dave Yost answers questions on various Ohio issues

... (WKBN) – **Ohio Attorney General Dave Yost** has had a lot to say lately on various issues. On Monday, he made himself available to answer ...



Yahoo! News • USA • Dec 11 • 10:08 PM

Interview: AG Yost speaks out about Issues 1 and 2

... enforceable. I haven't changed my mind on that," said **Ohio Attorney General Dave Yost**. Mother of boy killed in Norwalk house fire ...



WDTN-TV • USA • Dec 11 • 09:37 PM

Ohio AG Dave Yost speaks with 2 NEWS Toggle header content

Ohio AG [Dave Yost](#) speaks with 2 NEWS Toggle header content ...



[The Columbus Dispatch](#) • USA • Dec 11 • 08:53 PM

Catholic Dioceses of Columbus and Steubenville again discussing potential merger

... those Abused by Priests) and two other nonprofits called on [Ohio Attorney General Dave Yost](#) to launch an investigation into the state's six ...



[WOIO-TV](#) • USA • Dec 11 • 08:10 PM

Ohio Attorney General: “If it’s one child that’s missing, that’s one child too many.”

... [Ohio Attorney General](#): “If it’s one child that’s missing, that’s one child too many.” ...



[WHIO-TV](#) • USA • Dec 11 • 07:29 PM

I-TEAM: Ohio AG explains how MV Realty lawsuit will work amidst bankruptcy petition

... says The [Ohio Attorney General](#)'s Office sued MV Realty for their business practices, which involve records of their deals at county ...



[Y-City News](#) • USA • Dec 11 • 06:43 PM

House Bill 6 investigation continues with likely more forthcoming indictments

... concerning the House Bill 6 Scandal, involves DeVillers and **Ohio Attorney General Dave Yost**. To protect that investigation, which is ...



The Toledo Blade • USA • Dec 11 • 06:30 PM

State-funded consumer group calls for freeze on FirstEnergy rate increases

... these serious allegations in an appropriate manner.” **Ohio Attorney General Dave Yost** responded to Mr. Randazzo’s indictment by ...



Yahoo! News • USA • Dec 11 • 06:30 PM

Ohio rolls out VR training for police officers

... unpredictability of it, the actual being there,” said **Attorney General Dave Yost**, who has tried the program himself. “When I was done, ...



WVNews • USA • Dec 11 • 06:27 PM

Judge Schedules Hearing to Challenge NCAA Transfer Eligibility Rule in Wheeling

... Rule violates anti-trust laws. Leading the coalition is **Ohio Attorney General Dave Yost**, who announced the scheduling of the hearing on ...



MetroNews • USA • Dec 11 • 06:13 PM

Hearing challenging NCAA Transfer Eligibility Rule set for Wednesday in Wheeling

... Thursday. They allege the rule violates anti-trust laws. **Ohio Attorney General**

Dave Yost is leading the coalition. He announced the ...



North Carolina Public Radio - WUNC-FM • USA • Dec 11 • 03:37 PM

Lawsuit accuses NCAA of antitrust violation in college athlete transfer rule

... on the NCAA there with Colorado AG Phil Weiser, Ohio AG Dave Yost and Ohio Deputy First Attorney General Shawn Busken. "I have ...



Yahoo! News • USA • Dec 11 • 02:57 PM

No evidence school threats from reported Russian terrorist account are credible, FBI says

... enforcement immediately." A spokesperson from the Ohio Bureau of Criminal Investigation said the agency has not been requested to ...



West Virginia Sports Now • USA • Dec 11 • 01:13 PM

TRO Hearing vs. NCAA Could Open Doors For Battle, Farrakhan

Ohio AG Dave Yost announced on Monday afternoon that a TRO hearing vs. the NCAA will be occurring at 10 a.m. on Wednesday. If passed, doors ...



WEWS-TV • USA • Dec 11 • 01:08 PM

Ohio leading seven-state lawsuit challenging NCAA's transfer rules

... on [News5Cleveland.com](https://www.news5cleveland.com) under a content-sharing agreement. Ohio Attorney General Dave Yost is leading a lawsuit against the NCAA alleging ...



WQCT-AM • USA • Dec 11 • 12:05 PM

Ohio Attorney General wants to continue fighting an appeal of the state’s Heartbeat Act.

December 11, 2023 December 11, 2023 December 11, 2023 Ohio Attorney General Dave Yost wants to continue fighting an appeal of the state’ ...



JD Supra • USA • Dec 11 • 11:35 AM

2023 NAAG Capital Forum: AI Front and Center for AGs

Highlights included the presidential transition from Ohio AG Dave Yost to Oregon AG Ellen Rosenblum, who introduced her 2024 ...



Beacon Hill Associates • USA • Dec 11 • 09:24 AM

Is Odor a Pollutant? It Can Be a Sneaky Exposure.

... and Dovetail Bioenergy in Greene County’s Bath Twp. to the Ohio Attorney General for legal action, citing violations of Ohio’s air and ...



Cleveland Scene • USA • Dec 11 • 08:41 AM

Randazzo Indictment Sparks Renewed Calls for Full Regulatory Review in Ohio

... by the United States Attorney or the action brought by the Ohio Attorney General,’ and, ‘to follow the facts wherever they may lead,’” ...



Cleveland.com • USA • Dec 11 • 08:00 AM

Husted says he can't remember specifics around Randazzo, HB6: Capitol Letter

... in the "heartbeat" case before the Ohio Supreme Court. [Ohio Attorney General Dave Yost](#), representing the state, and abortion providers ...



East Liverpool Review • USA • Dec 11 • 07:37 AM

Email bomb threats no credible threat

... Security and FBI have been notified as well. According to [Ohio Attorney General David Yost](#), the Ohio Homeland Security, Terrorism ...



Cleveland.com • USA • Dec 11 • 06:03 AM

Cleveland plans to give police more help in handling mental-health calls: The Wake Up for Monday, Dec. 11, 2023

... at a "heartbeat" appeal, reports Laura Hancock . While [Attorney General Dave Yost](#) argues that the court doesn't need to consider the new ...



The Daily Legal News • USA • Dec 11 • 12:31 AM

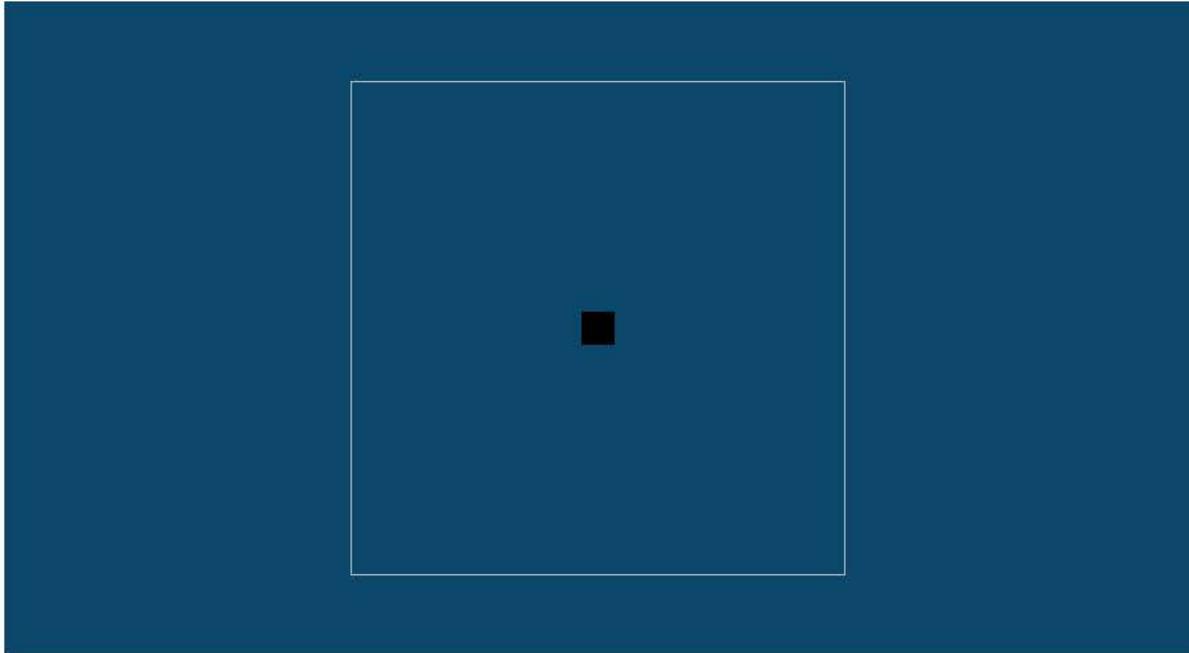
Court pauses federal policy allowing abortion clinic operators to get grants -- but only in Ohio

... to the state's health department decreased by \$1.8 million. [Ohio Attorney General Dave Yost](#) said the result could be that the state's ...

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From: report@hannah.com
To: [Julie Pfeiffer](#)
Subject: HANNAH NEWS UPDATE: Yost Says Issue 1 Overrides 'Heartbeat' Law, Asks Court to Decide Procedural Issues
Date: Thursday, December 7, 2023 5:42:28 PM



Thursday, December 7, 2023

HANNAH NEWS UPDATE: Yost Says Issue 1 Overrides 'Heartbeat' Law, Asks Court to Decide Procedural Issues

While the new reproductive/abortion rights constitutional amendment overrides "heartbeat" abortion ban 133-SB23 (Roegner), the Ohio Supreme Court should still address the procedural issues involved in *Preterm-Cleveland v. Yost*, the Ohio Attorney General's Office wrote in a brief on Thursday. Attorneys for abortion providers said in their brief that the Court should dismiss the appeal now that a clear right to abortion exists in the Ohio Constitution. Read more in Thursday's *Hannah Report*.

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From: [Jonathan Chagat](#)
To: [Bridget Coontz](#); [Constitutional Offices](#)
Cc: [Library Requests](#); [Stephen Carney](#); [Zachery Keller](#)
Subject: Election Law Task Force - Daily News/Current Awareness
Date: Tuesday, December 5, 2023 5:03:40 PM
Attachments: [image001.png](#)
[Divided Ohio High Court Backs New Bipartisan Election Map - Law360.pdf](#)
[Miami County refers 4 to prosecutor for vote irregularities; one bragged online.pdf](#)
[image011.png](#)
[image024.png](#)
[image026.png](#)

FVAP Releases 2022 Post-Election Report to Congress

The Federal Voting Assistance Program's (FVAP) [2022 Post-Election Report to Congress](#) confirms that the program's efforts continue to contribute to voter success among military members stationed away from home, their eligible family members, and U.S. citizens abroad covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

To prepare this report, FVAP conducts post-election surveys and analyzes state and federal election data to evaluate the experience of military and overseas voters—and the impact that FVAP and U.S. Department of Defense (DoD) resources have on their experience. This research provides key indicators about military voters, U.S. citizens living overseas, Voting Assistance Officers, and election officials during the 2022 General Election.

Miami County refers 4 to prosecutor for vote irregularities; one bragged online - Woman posted on social media that she lives in Vandalia but voted in Troy because 'Troy needed it more;' prosecutor says investigations will take weeks (ATTACHED FROM DAYTON DAILY)

Ohio Supreme Court upholds new state legislative redistricting plan

<https://www.cleveland.com/news/2023/11/ohio-supreme-court-upholds-new-state-legislative-redistricting-plan.html>

Divided Ohio High Court Backs New Bipartisan Election Map (attached from Law360)

Ohio Supreme Court dismisses latest challenge to legislative maps

<https://www.toledoblade.com/local/politics/2023/11/27/ohio-supreme-court-dismisses-latest-challenge-legislative-maps/stories/20231127121>

Statehouse maps cleared for 2024 use after Ohio Supreme Court dismisses lawsuits

<https://www.cincinnati.com/story/news/politics/2023/11/27/ohio-supreme-court-dismisses-legal-challenges-to-statehouse-maps/71214349007/>

Ohio redistricting advocates eye ballot after disappointment in court

<https://ohiocapitaljournal.com/2023/11/30/ohio-redistricting-advocates-eye-ballot-after-disappointment-in-court/>

Elections officials blast court complaint over Jennifer Ciccone's loss in Struthers judicial race

<https://www.vindy.com/news/local-news/2023/12/elections-officials-blast-court-complaint-over-jennifer-ciccones-loss-in-struthers-judicial-race/>

Secretary of State Frank LaRose says abortion opponents helped craft ballot language to aid defeat of Issue 1

<https://www.cleveland.com/news/2023/11/secretary-of-state-frank-larose-says-abortion-opponents-helped-craft-ballot-language-to-aid-defeat-of-issue-1.html>

Ohio Sec. of State LaRose concedes he politicked out of building where he moved his state office

<https://ohiocapitaljournal.com/2023/12/01/ohio-sec-of-state-larose-concedes-he-politicked-out-of-building-where-he-moved-his-state-office/>

SECRETARY LAROSE JOINS FELLOW CHIEF ELECTIONS OFFICERS OPPOSING COLORADO COURT RULING ON 14TH AMENDMENT CASE

<https://www.ohiosos.gov/media-center/press-releases/2023/2023-11-30/>

Ranked Choice Voting May Be Coming To An Election Near You

<https://www.npr.org/2023/12/03/1198909408/consider-this-from-npr-draft-12-03-2023>

Saturday Essay: Reject ranked choice voting in Ohio

<https://www.toledoblade.com/opinion/letters-to-the-editor/2023/12/02/saturday-essay-reject-ranked-choice-voting-in-ohio/stories/20231201030>

'Every vote counts.' Perry Township levy, Hartville income tax pass by razor-thin margins

<https://www.cantonrep.com/story/news/local/canton/2023/11/28/perry-township-police-hartville-income-tax-pass-by-narrow-margins/71721913007/>

Board of Elections recounting two races in Greene County

<https://www.wdtn.com/news/your-local-election-hq/board-of-elections-recounting-two-races-in-greene-county/>

Three Warren County Races Will Be Recounted

<https://warrencountypost.com/g/lebanon-oh/n/227292/three-warren-county-races-will-be-recounted>

Ballot shortages are rare in U.S. elections, but here's why they sometimes happen

<https://www.npr.org/2023/11/30/1215866310/why-ballot-shortages-happen-hinds-mississippi-voting>

Mahoning County's elections director sentenced

<https://www.wkbn.com/news/local-news/mahoning-countys-elections-director-sentenced/>

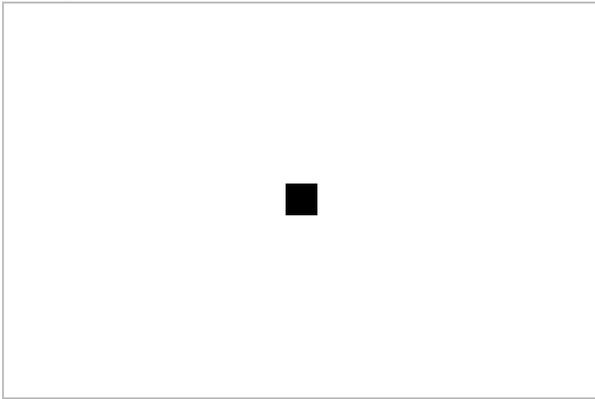
'Uncalled for:' Late election mail leaves 90 Ashland County voters disenfranchised

<https://www.ashlandsource.com/2023/12/01/uncalled-for-late-election-mail-leaves-90-ashland-county-voters-disenfranchised/>

900 missing ballots now counted in final election results: I-Team

<https://fox8.com/news/i-team/900-missing-ballots-now-counted-in-final-election-results-i-team/>

Legal Updates

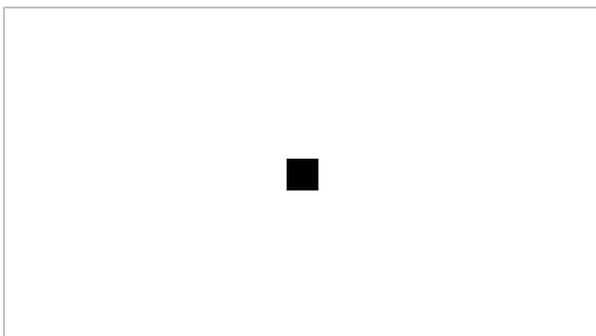


Arizona: Arizona legislative leaders will submit to depositions in a lawsuit over two voting rights laws after the U.S. Supreme Court rejected their [application for an emergency stay](#). The court released a brief reply to the emergency application, stating “the application for stay presented to Justice (Elena) Kagan and by her referred to the Court is denied.” State Senate President Warren Petersen, R-Gilbert, and Speaker of the House Ben Toma, R-Glendale, both said they would comply. Toma’s deposition is scheduled for Nov. 28. The state’s top lawmakers and their lawyers filed a 66-page emergency application for the stay on Nov. 20. They hoped to avoid the depositions of up to seven hours and additional demands for records such as emails with other legislators. The U.S. Supreme Court released a brief reply to the emergency application, stating “the application for stay presented to Justice (Elena) Kagan and by her referred to the Court is denied.”

Attorney General Kris Mayes announced that an Arizona grand jury has indicted Cochise County Supervisors Tom Crosby and Peggy Judd for [conspiracy and interference with an election officer](#), both felonies. Crosby and Judd, the two Republicans on the three-member board both refused to certify, or canvass, the county’s election by the Nov. 28, 2022 deadline in state law, twice voting against the

canvass. The Nov. 27 indictments in Maricopa County Superior Court came after the supervisors were ordered to appear at a state grand jury hearing on Nov. 13, under subpoenas issued by Mayes' office in October. Judd's subpoena was first reported by Votebeat. The indictment alleges that on or between Oct. 11, 2022 and Dec. 1, 2022, Judd and Crosby "conspired to delay the canvass of votes cast" and "knowingly interfered with the Arizona Secretary of State's ability to complete the statewide canvass," according to a news release from the Attorney General's Office. "The repeated attempts to undermine our democracy are unacceptable," Mayes wrote. "I took an oath to uphold the rule of law, and my office will continue to enforce Arizona's elections laws and support our election officials as they carry out the duties and responsibilities of their offices."

Secretary of State Adrian Fontes is seeking the legal opinion of Attorney General Kris Mayes on whether Tucson's ballot measure regarding salary raises for the Mayor and Council is [subject to a recount under state law](#). Proposition 413 narrowly passed. "The margin of votes cast was 289 votes; an amount less than 1/2 of the 1% of the total votes cast for the Proposition," Fontes wrote to Mayes. According to state law, "a recount of the vote is required when the canvass of returns in a primary or general election shows that the margin between the two candidates receiving the greatest number of votes for a particular office, or between the number of votes cast for and against initiated or referred measures or proposals to amend the Constitution of Arizona, is less than or equal to one-half of one percent of the number of votes cast for both such candidates or on such measures or proposals." In his letter to Mayes, Fontes noted that he lacked the authority to provide Tucson's City Attorney Mike Rankin with a legal opinion, and instead asked Mayes to.

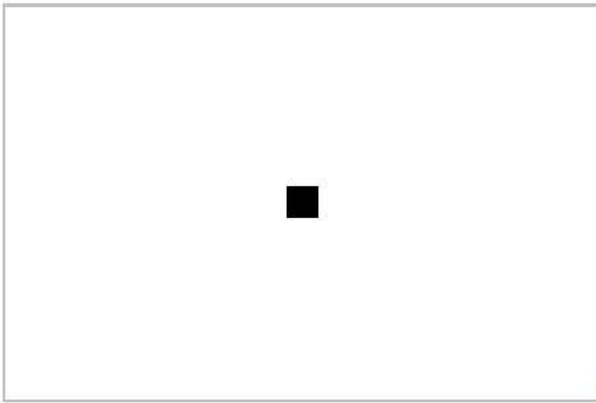


Arkansas: The 8th US Circuit Court of

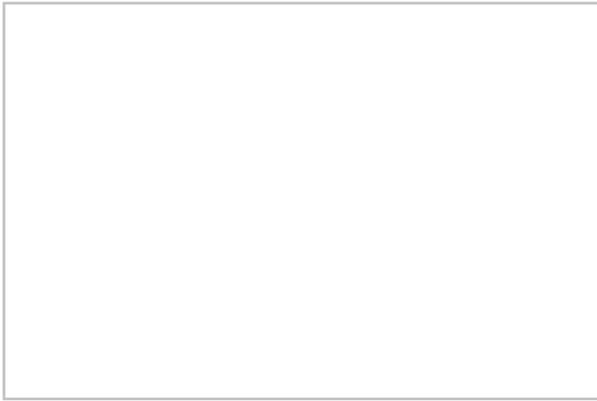
Appeals recently ruled against [a key tool used to enforce the Voting Rights Act](#) – likely setting up another Supreme Court showdown over one of the nation's landmark

civil rights laws. In a ruling that springs from an Arkansas redistricting case, the 8th Circuit ruled that private entities cannot bring lawsuits under a provision of the law, known as Section 2. If it stands, the decision would dramatically weaken what remains of the Voting Rights Act, passed in 1965 to counter racial discrimination in elections. In a 2-1 decision, the judges said the “text and structure” of the voting rights statute shows that Congress did not give private plaintiffs the authority to sue. The appellate panel affirmed a 2022 ruling by a Trump-appointed federal judge in Arkansas that held only the US Justice Department can bring Section 2 lawsuits. That ruling runs counter to decades of legal practice, however. The vast majority of cases brought under the Voting Rights Act – which prohibits election rules that have the intent or effect of discriminating on the basis of race – are brought by private plaintiffs, with the Justice Department facing strained resources and other considerations that limit the number of such cases it files to, at most, a few each year. The case at hand centers on a challenge originally brought by the Arkansas chapter of the NAACP and the Arkansas Public Policy Panel to Arkansas’ state House map. The ruling immediately affects the seven states covered by the 8th Circuit: Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota and South Dakota. And it comes as the 2024 presidential campaign heats up.

Attorney General Tim Griffin [rejected two proposed constitutional amendments](#) to remove voting machines from Arkansas’ election process. One proposal would require hand-marked, hand-counted paper ballots, while the other would create absentee ballot procedures. Griffin cited several reasons for rejecting the proposed popular name and ballot title of both initiatives, including a lengthy popular name, “partisan coloring language” and ambiguities. Conrad Reynolds, chief operating officer of Restore Election Integrity Arkansas, the ballot question committee behind the proposed amendments, said the decision was expected and the proposals will be revised. “We anticipated that and so we’re fully prepared to move forward,” Reynolds said. If Griffin approves the updated submissions, the group must then collect 90,704 signatures from registered voters to qualify for the 2024 ballot.

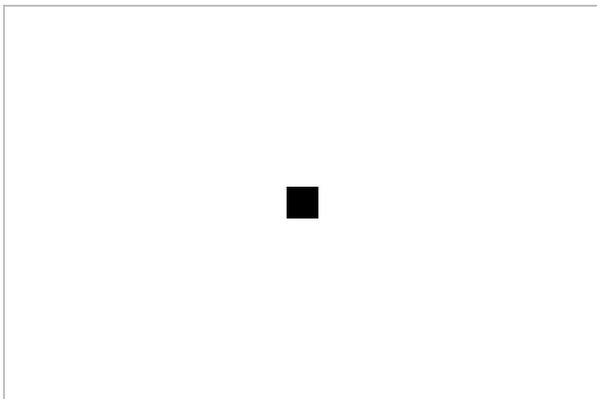


California: A resident is suing to get a [proposal to require voter identification](#) in Huntington Beach removed from the March primary ballot, arguing that would be unconstitutional and questioning if the city followed proper election procedures. The lawsuit, filed on Nov. 22, makes real the previous legal warnings of top state officials and civil rights nonprofits that have also argued against the proposed requirements. A City Council majority in October approved placing ballot measures before voters that include asking if they want to implement voter ID and local monitoring of ballot drop boxes and update local flag laws. “Democracy works best the more that people vote,” said Mark Bixby, who is bringing lawsuit. “California has been a leader in making it easy to vote. All of that is really great stuff. The City Council, however, wants to roll back that progress. They want to erect barriers to discourage people from voting.” The lawsuit asks a judge to remove the charter amendment measures from ballots for the March 5 primary election. It argues that having a voter ID law would violate the state constitution and would “discriminate against minorities, senior citizens and voters with disabilities.” Bixby’s lawsuit also asserts that the city was late in posting the charter amendment language for public review. “For unknown reasons, the city posted a ‘corrected’ version of the City Council resolution, stating that there had been a ‘clerical error.’ The city’s action creates a serious doubt about whether the City Council even properly adopted the election resolution.”



Connecticut: Judge William Clark

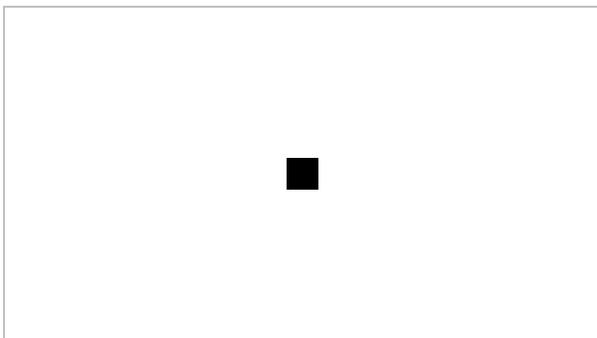
endorsed a plan to hold Bridgeport's [second mayoral primary](#) between Mayor Joe Ganim and challenger John Gomes on Jan. 23 with absentee ballot applications available starting Dec. 29. Clark's [order](#), which was filed Nov. 17, came shortly after attorneys representing Bridgeport election officials asked him to extend the time absentee ballot applications would be available. In a nine-page [memorandum](#), attorneys for Registrar of Voters Patricia Howard and Town Clerk Clarence Clemons asked Clark to allow absentee ballot applications to go out starting Dec. 1. If Gomes wins the primary, there will definitely be a second general election. But attorneys for both Ganim and Gomes have stated previously that they believe if Ganim wins the second primary that he is elected mayor, but the secretary of the state raised the possibility that there would need to be a second general election no matter what happens on Jan. 23. The court requires that there be [serial numbers on absentee ballot applications](#) for people who request more than five ballots for family members or caregivers. The town clerk would be required to stamp every absentee ballot received from drop boxes, and absentee ballot applications would only be made available three weeks before the election.



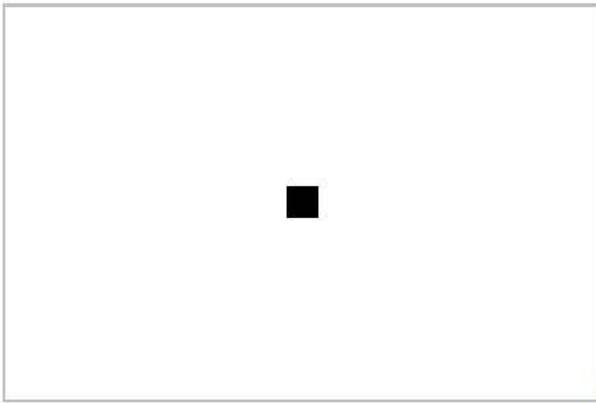
Georgia: Chad Christopher Stark, of

Leander, Texas who pleaded guilty to posting a message online threatening Georgia

officials in the wake of the 2020 election [was sentenced to two years in prison](#). Stark was charged last year in connection with a Craigslist ad posted on Jan. 5, 2021, that mentioned \$10,000 and referred to killing Georgia election officials. Stark pleaded guilty in August to one count of threatening use of a telecommunications device. He was sentenced Wednesday in federal court in Georgia. In a statement, Attorney General Merrick Garland said threats of violence against election officials are “dangerous for our democracy.” “This sentence should serve as warning — illegal threats against the public servants who make our democracy work will be met with the full force of the Justice Department,” Garland said. Stark’s two-year sentence was at the higher end of the 18-24 months’ imprisonment federal prosecutors recommended in court documents.



Iowa: Kim Phuong Taylor, wife of Woodbury County Supervisor Jeremy Taylor, has been [found guilty of 52 counts of voter fraud](#). The jury spent about five hours deliberating. Prosecutors say Taylor took advantage of other Vietnamese immigrants by illegally filling out election forms and ballots. Her husband, Jeremy Taylor, lost a GOP primary for the U.S. House and won election to the Woodbury County Board of Supervisors in 2020. During closing arguments, the prosecution added the case was important because voter fraud jeopardizes the foundation of democracy in the United States and damages the public trust in the electoral process. They added that Kim Taylor has worked on campaigns since 2008 and knew the difference between right and wrong. Kim Phuong Taylor was indicted in January on 26 counts of providing false information in registering and voting, three counts of fraudulent registration and 23 counts of fraudulent voting. She entered a not-guilty plea. Taylor faces up to five years in prison on each count. A sentencing date hasn’t been set.

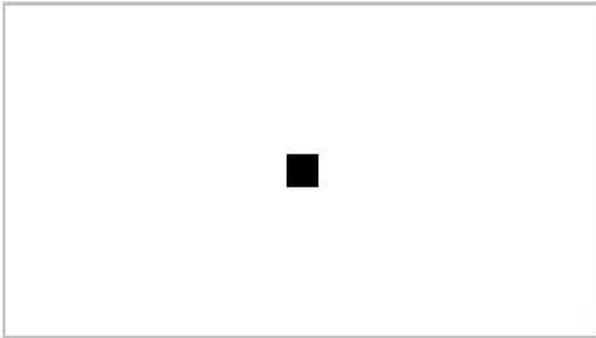


Louisiana: Republican John Nickelson

filed a [petition to challenge the results](#) of the Caddo Parish sheriff election and subsequent runoff. After the initial vote count, Nickelson lost by one vote. Following a recount where each candidate gained three votes, Nickelson still lost by one vote. According to KQAD, Nickelson's petition describes a [litany of issues](#) arising from the Saturday, November 18 runoff election; issues that he contends robbed him of becoming the next sheriff of Caddo Parish, instead of Democrat Henry Whitehorn. "What we discovered, Jeff, was that many ballots, absentee ballots, which the registrar of voters accepted and counted in this election, were either not signed by a voter at all, or were not witnessed at all." Nickelson says his lawsuit spells out what he calls "a large number of serious irregularities." One example he cites is that two people voted twice. Another is the number of people who turned out to vote but allegedly were not permitted to do so. "Finally, there is a law directed to prevent vote harvesting," Nickelson explains, "which says that no witness to an absentee ballot can witness more than one ballot of a non-immediate family member. And we found instances of individuals witnessing many ballots of non-immediate family members. So, all those problems we uncovered in just a very short amount of time." Nickelson's lawsuit asks the judge to either declare a winner based on a corrected count of ballots or call for a new election. Some observers may consider an unsigned or unwitnessed absentee ballot as a mere technicality.

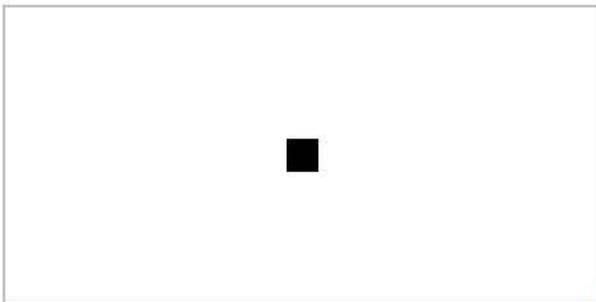
U.S. District Chief Judge Shelly Dick has granted the Legislature a [two-week extension](#) to redraw Louisiana's congressional map as ordered by the 5th Circuit Court of Appeals. When the Appellate Court ordered the redraw, it gave Dick discretion to grant the state a modest extension. "She essentially gave them until Jan. 30," said Stuart Naifeh, the redistricting projects manager for the NAACP Legal Defense Fund, Incoming House Speaker Phillip DeVillier said he appreciated the

judge giving lawmakers more time to redraw the boundaries but said he doubted that they can complete the task by Jan. 30.



Maryland: Anne Arundel County Circuit

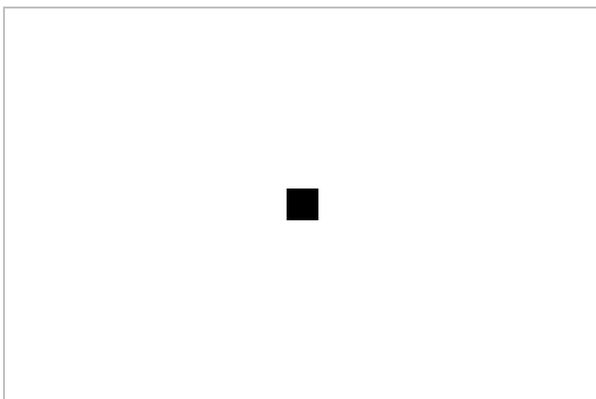
Court Judge Glenn L. Klavans ruled in favor of state elections officials in a [lawsuit over the proposed location of an early voting center](#) in one Washington County town. Earlier this year, the Maryland State Board of Elections rejected a request to locate one of two required centers in the county in Hancock. Plaintiffs in the case, including one Republican Washington County commissioner and the spouse of a Republican Hancock councilmember, alleged the board owed more deference to the proposal made by local elections officials. The plaintiffs also asked the judge to invalidate the vote based on several alleged procedural missteps including violations of the Maryland Open Meetings Act. Klavans rejected those arguments. In granting the board's request for summary judgment, Klavans said the board was in "substantial compliance" with state election laws and regulations. Klavans added that the state board must consider local preferences but is not bound to "blind deference." "There has to be a strike zone that the state board can undertake in order to reach its determination as to whether to approve," Klavans said in his ruling from the bench. "I think in this case, it's clear from the affidavits and from the other materials supplied here, that the state board undertook a thorough and adequate analysis of the local board's recommendation and reached a decision not to approve...on that basis."



Mississippi: The Mississippi Republican

Party is asking the state Supreme Court [to dissolve an emergency order a judge](#)

[issued on election night](#) keeping polls open in Hinds County, saying the order violated state law and the court lacked jurisdiction. The state Republican Party filing notes the issue is spilled milk with the election over, but says the high court should make a ruling to prevent future problems and because the issues are “of great public interest.” It said conflicting court actions on election night caused confusion and run the risk of “sowing public doubt about the reliability of election results.” On Nov. 7, there were numerous reports of Hinds County precincts running out of ballots or not having proper ballots, and voters reportedly waited in long lines or left without casting ballots. The state Democratic Party filed for an emergency order in chancery court to keep Hinds County polls open an extra hour that night. Chancellor Dewayne Thomas granted the order. But in a separate case filed that night by Mississippi Votes, a Jackson nonprofit organization, in Hinds County Circuit Court, the Mississippi Supreme Court appointed a special judge, former Supreme Court Judge Jess Dickinson, to hear the matter. Dickinson issued an order that simply repeated existing state law: that people who were in line when the polls closed at 7 p.m. could vote if they remained in line. In a petition filed this week with the state high court, the Republican Party argued chancery court lacks jurisdiction to be involved in such issues, that it should have been given notice of the Democratic Party’s petition that night, and that there is a lack of evidence that the ballot shortage was widespread or caused problems for many voters. The petition describes the “unknown and possibly surreptitious nature” of the Democratic Party’s filing that night.



Montana: Missoula District Judge John Larson has ruled that the Missoula County Elections Office [didn't misuse its voter database during the 2020 or 2022 elections](#), contrary to allegations first levied by a couple of local Republicans. “Plaintiff has not produced evidence that Missoula County or its employees misused its limited access to this database or operated

those controls in an abuse of voter databases in 2020 or 2022,” the judge said in his Oct. 17 summary judgment. The Missoula County Election Integrity Project, a local election-conspiracy group, [initially filed the lawsuit](#), but asked to be dismissed as a party to the lawsuit prior to answering discovery. The group claimed vote-count video supported its false theory of ballot-stuffing and a 6% margin of error, contrary to research conducted by the Missoula County Republican Central Committee that found a .09% margin of error in tracking ballots. Plaintiff John Lott, who continued the allegations the local Republicans made, claimed Missoula County failed to preserve “snapshots” of the voter database, violating Montana’s records retention law and federal requirements. But the county said the Secretary of State’s Office manages the voter database and the county follows the office’s guidance on retaining data. Larson said the county had no access to the information Lott was seeking and had no way to provide the information, as it was controlled by the Secretary of State’s office and “any relief requested from the court is more appropriately directed to the Legislature.” Lott is also known for research on guns, although his work has been discredited by officials at the Johns Hopkins Center for Gun Policy and Research whose director, Daniel Webster, has publicly stated Lott makes things up.

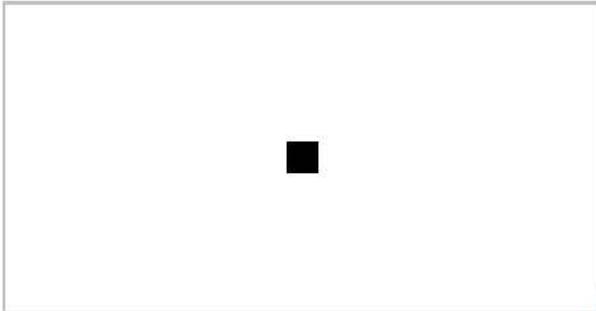
The Montana Supreme Court [overturned a decision by Montana Attorney General](#) Austin Knudsen to block from the ballot in 2024 a citizen initiative that would create top-four primary elections in the state. In a unanimous ruling, Chief Justice Mike McGrath wrote that the attorney general erred in determining that the initiative violated the Montana Constitution’s prohibition on “log-rolling,” or bundling multiple unrelated amendments into a single measure for voters to approve, and ordered Knudsen to refer the initiative to Montana’s top election administrator, the secretary of state. Ballot Initiative 12, as it is now called, would, for most offices, replace Montana’s current system of partisan primary elections with an open primary in which the four candidates with the most votes advance to the general election regardless of party. “Ballot Measure 12’s primary purpose is to constitutionally mandate a top-four primary for specified offices,” Deputy Solicitor General Brent Mead wrote in the legal review of the initiative. But its full text “then adds numerous provisions that are not closely related to the creation of a top-four primary.” Montanans for Election Reform challenged the legal determination in court, arguing that each of the initiative’s

components is essential to its overall functioning. The Montana Supreme Court apparently found that argument persuasive. The court heavily relied upon its September opinion in [Monforton v. Knudsen](#), in which it upheld the attorney general's decision to void a previous ballot initiative on the same grounds he used to invalidate the top-four initiative. McGrath wrote that he concurred with Montanans for Election Reform's argument that "a reasonable signature cap is essential to ensuring that the Legislature cannot functionally convert a top-four primary into a top-two primary by requiring onerous signature gathering that would serve to bar candidates from the ballot," and thus that "the signature-gathering limitation is not a separate function but is rather ... an integral part of the top-four primary system BI-12 proposes. "We thus disagree with the attorney general that the signature-gathering limitation is not closely related to the remainder of BI-12," the ruling continues.

The League of Women Voters of Montana (LWVMT), represented by Campaign Legal Center (CLC) and Upper Seven Law, [filed a motion](#) in Montana state court to [block HB 892, a voter registration restriction](#) that threatens Montanans' freedom to vote.

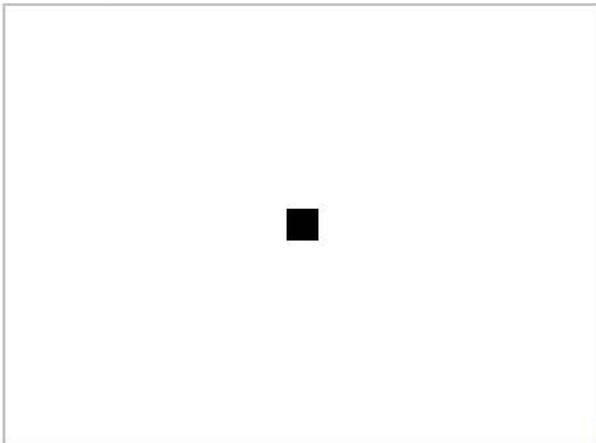
The groups argue that the law is unconstitutionally vague and imperils both Montanans' freedom to vote and the important democracy-building work of nonpartisan civic engagement organizations like LWVMT. LWVMT initially [filed suit](#) against the law on October 31. HB 892 was signed into law on May 22, 2023 with the stated purpose of preventing people from voting twice in the same election, an action which is already prohibited under Montana and federal law. But HB 892 goes much further than this. HB 892 makes voters and voter registration organizations responsible for ensuring that registration applicants somehow deregister from a previous address. Furthermore, HB 892 could punish voters who do not provide detailed information—even if it is unintentionally omitted—about their previous place of residence when applying to register to vote. Under HB 892, if a voter trying to register is not able to comply with these requirements, they risk felony prosecution, including penalties of up to 18 months in prison, fines up to \$5,000, or both. "We agree that voters should not vote twice in the same election, but HB 892 goes beyond penalizing double voting to threaten the act of registering to vote itself," said Nancy Leifer, president of the League of Women Voters of Montana. "HB 892 weakens democracy in Montana by discouraging voters from registering to vote. It also

threatens the critical voter services work the League does for voters across the state. The League is ready to defend the rights of Montana voters and protect their freedom to vote.”



Nebraska: The Winnebago and Omaha

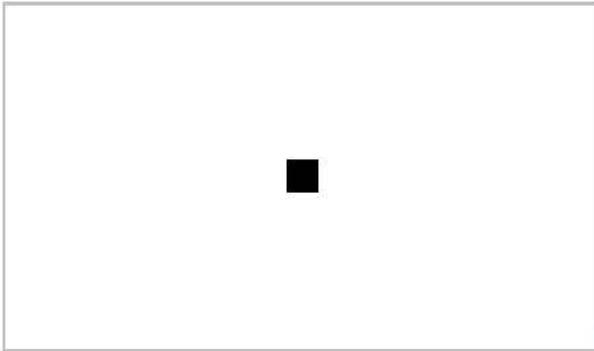
tribes have [reached an agreement](#) with Thurston County in which Native Americans would make up a majority of voters in five of seven county board of supervisors districts. The plan does not displace any current supervisors from their districts, giving incumbents the chance to run for re-election in their present districts when their current terms are on the ballot in 2024 or 2026. Also of importance, the redrawn districts, the tribes and county agree, comply with the Voting Rights Act. The tribes had argued in a lawsuit that the current map violated the law and was approved by the board to ensure white politicians maintain control in a county in which Natives make up a majority of the voting-age population. The agreement awaits a federal judge’s signature on a consent decree that would lead to the adoption of the new district plan and the lawsuit’s dismissal.



Nevada: Judge James Russell in

Reno [dismissed the latest suit](#) in Robert Beadles’ feud with the county with prejudice, meaning he cannot refile it. He also ordered the wealthy ex-California businessman and right-wing activist to cover the other side’s legal fees. Russell referenced a state law that permits attorneys’ fees be paid to “deter frivolous or vexatious claims.” But

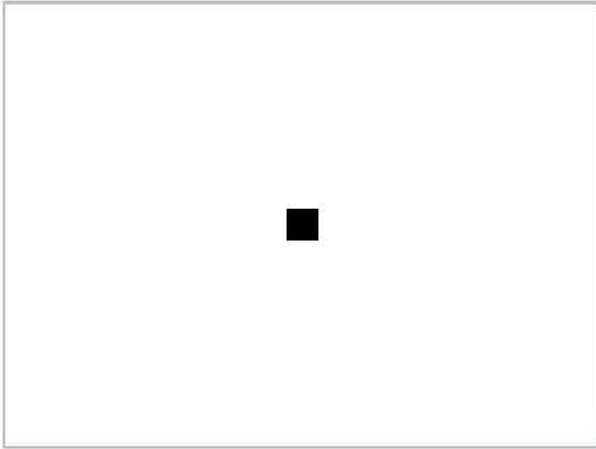
the judge did not sanction Beadles as requested in a motion from the Washoe District Attorney's Office, the Reno Gazette-Journal reported. The defeat comes three months after Beadles withdrew a federal lawsuit. Lawyers for county officials threatened to seek sanctions for filing a baseless complaint laced with "rantings of a conspiracy theorist." He claims the election system is rife with "flaws and irregularities" that robbed him of his vote in 2020. He lost another lawsuit last year that sought heightened observation of Washoe County's vote-counting process.



New York: Common Cause New York and

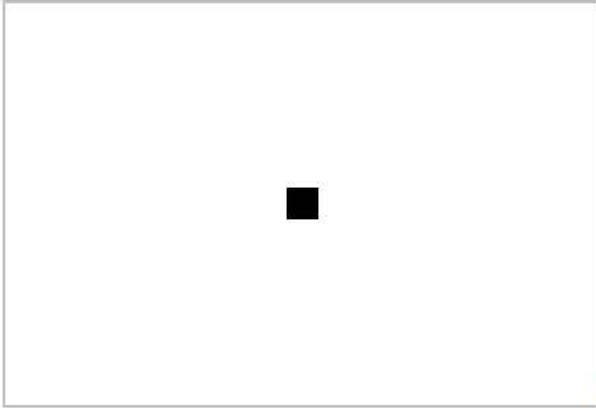
The Black Institute – a public policy think tank in New York focused on issues impacting Black New Yorkers – have [filed a lawsuit to prevent the usage of touch screen ExpressVote XL voting machines](#). The two groups, along with five individuals, are suing the state Board of Elections, claiming that voters cannot independently and privately verify votes they cast through the machines – a requirement under state law. The state Board of Elections approved the ExpressVote XL machines earlier this year. But since their approval, no local Board of Elections has purchased the machines. The new lawsuit seeks to block localities from buying them and putting them into use in the 2024 elections. "The certification of the ExpressVote XL – an expensive and below standard voting machine – was a major step backwards for New York, and an exceedingly poor decision ahead of the 2024 presidential election year when election security remains a fraught topic," Susan Lerner, executive director of Common Cause New York, said in a statement. "Paper ballots marked by the voter – which New York currently uses – are the preferred election security standard." A key part of their argument, and the basis of the new lawsuit, is that voters can't adequately verify that their ballot is correct before submitting it. Whereas with a hand-marked paper ballot that a voter can ensure they marked the correct candidate, voters cannot view their ballot with ExpressVote XL. Instead, they can review a ballot summary card based on their electronic touch screen selection, printed based on bar

codes associated with candidates in the machine.



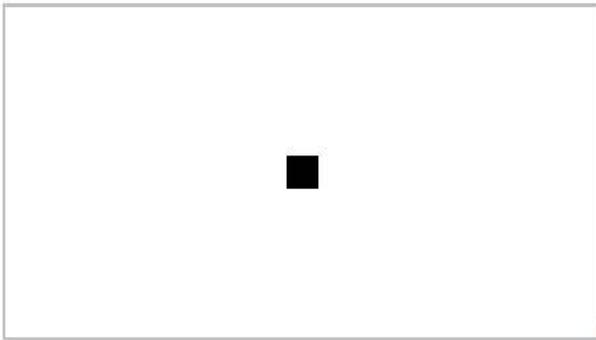
North Carolina: Following the passage of newly drawn North Carolina Senate districts in the General Assembly, two individuals are formally challenging them in a lawsuit. The lawsuit filed on Nov. 20 claims Senate Bill 758, which established the new district map lines, “unlawfully deprives Black voters of the opportunity to elect candidates of their choice.” In particular, plaintiffs Rodney Pierce and Moses Matthew, claim the bill is in [violation of Section 2 of the Voting Rights Act](#). According to the lawsuit, the bill was enacted despite having “ample evidence of racially polarizing voting and a history of discrimination in the ‘Black Belt counties’ of northeastern North Carolina.” Having such evidence, the plaintiffs said there is an obligation under the Voting Rights Act to analyze it before drawing lines. The passage of the new maps is also considered in the lawsuit to be the “the most recent episode in North Carolina’s long history of race discrimination generally and race-based vote suppression in particular.” Following the filing of the lawsuit, Pierce and Matthew are seeking an order that would: declare that SB 758 violates Section 2 of the Voting Rights Act, prohibit future elections to be conducted under SB 758, and require a remedial plan that includes a minority opportunity district in N.C.’s “Black Belt” counties. The lawsuit names President Pro Tem of the N.C. Senate Phil Berger and N.C. House Speaker Tim Moore as defendants along with the entire N.C. State Board of Elections, including Alan Hirsch, Chairman Alan Hirsch, Secretary Jeff Carmon III, and members Stacy Eggers IV, Kevin Lewis, and Siobhan Millen. The plaintiffs have asked the court to move forward on an expedited timeline, asking for a decision on their request for a preliminary injunction by Friday, Dec. 1. Candidates are scheduled to begin filing to run for office on Dec. 4. Judge James Dever [rejected the request to speed up a lawsuit](#) regarding the new election districts

Republicans drew for the state Senate, calling that request “meritless.” Dever is declining to take any action ahead of Dec. 4 when candidates will begin filing to run for office for 2024. Dever questioned why the plaintiffs waited nearly four weeks after the General Assembly voted on the new districts to file their lawsuit and ask the court to issue a preliminary injunction.

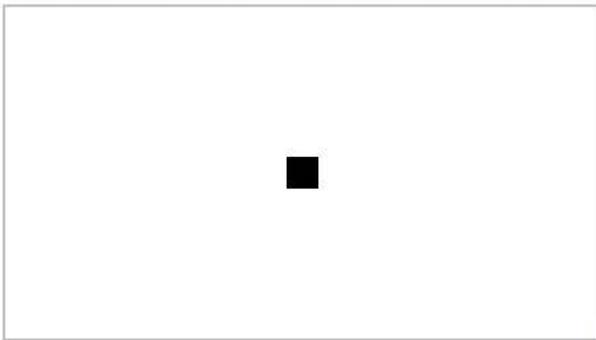


North Dakota: U.S. District Chief Judge

Peter Welte has ruled that North Dakota’s 2021 legislative [redistricting plan violates the rights of two Native American tribes](#) because it dilutes their voting strength. Welte said the redrawn legislative districts violated the Voting Rights Act of 1965. The ruling came months after a [trial](#) held in June in Fargo. The decision could lead to another surprise special session of the Legislature. In his ruling, Welte said the plan approved by the state Legislature to redraw voting districts in accordance with the latest census data “prevents Native American voters from having an equal opportunity to elect candidates of their choice” – a violation of the landmark civil rights law. Welte gave the Republican-controlled Legislature and the secretary of state until Dec. 22 “to adopt a plan to remedy the violation.” The Turtle Mountain Band of Chippewa Indians and the Spirit Lake Tribe alleged the 2021 redistricting map “simultaneously packs Turtle Mountain Band of Chippewa Indians members into one house district, and cracks Spirit Lake Tribe members out of any majority Native house district.” The two tribes sought a joint district and unsuccessfully proposed to the Legislature a single legislative district encompassing the two reservations, which are roughly 60 miles (97 kilometers) apart. Following the 8th Circuit’s ruling in Arkansas, North Dakota has [filed an appeal](#).



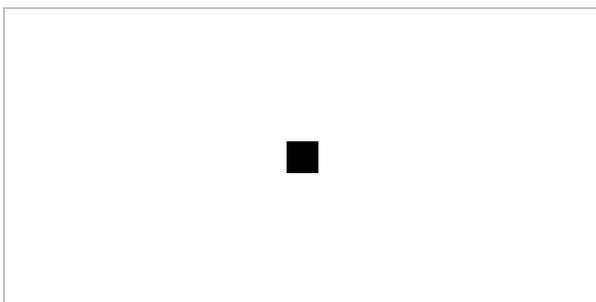
Ohio: Ron Berkowitz, 71, of Westlake was indicted Nov. 15 for [allegedly voting twice in two different states in the 2020 presidential election](#). According to the Cuyahoga County Prosecutor’s Office, Berkowitz was indicted on one count of election fraud. The prosecutor’s office said Berkowitz registered to vote in Ohio on September 15, 2020. On October 20, 2020, Berkowitz signed his Ohio mail-in ballot, the prosecutor’s office said. On September 30, 2020, Berkowitz registered to vote in Arizona and on October 13, 2020, he signed an Arizona mail-in ballot, the prosecutor’s office said. He mailed in his Arizona ballot and dropped his Ohio ballot off at the Cuyahoga County Board of Elections office, the prosecutor’s office said. The Ohio Attorney General’s Office Bureau of Criminal Investigation conducted the investigation. Berkowitz’s arraignment is set for Friday, December 8 at the Cuyahoga County Common Pleas Court.



Pennsylvania: Judge Susan Baxter of the United States District Court for the Western District of Pennsylvania has directed Pennsylvania counties to [accept mail ballots that a voter has failed to date or misdated](#), a long-awaited decision that could affect thousands of ballots in the upcoming 2024 presidential election. The date a voter writes on the envelope they return a mail ballot in is “immaterial” to its eligibility, Baxter ruled. Under the materiality provision of the Civil Rights Act of 1964, Baxter said ballots should not be rejected over what is essentially a technicality that isn’t related to the voter’s eligibility. “There are many reasons to date a document,” Baxter wrote, adding, “Dates may also be wholly irrelevant, as in this case. The requirement at issue here is irrelevant in

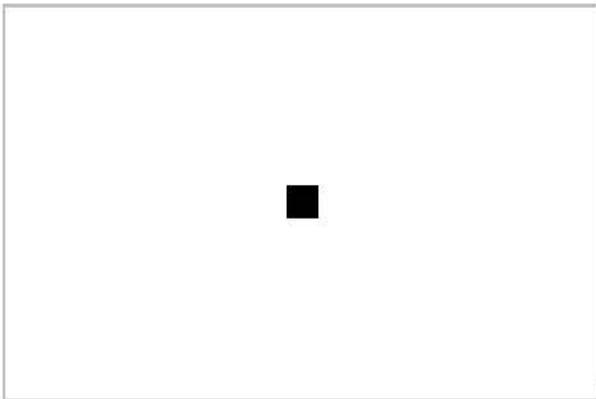
determining when the voter signed their declaration.” The ruling in the complicated and long-running case could still be appealed within 30 days. If it stands, it means counties would no longer be forced to disenfranchise voters for failing to date their mail ballot or using a date previous courts have found to be outside an acceptable time range.

A group of 12 Delaware County residents has [asked for a recount of 14 precincts](#) in a move that county officials say is an “effort to undermine democracy” while at least one petitioner has said county officials are acting as tyrants and bullies. The suit was filed on Nov. 15 in Delaware County Court of Common Pleas and seeks to have recounts done in 14 of the 430 precincts in the county, including the approximately 38,500 mail-in ballots processed at the central counting center in Chester. Delaware County Solicitor William F. Martin called the suit “harassment” among other things. “What is the purpose of this?” he asked. “The purpose is harassment. They’re the same baseless complaints about mail-in voting that we’ve been hearing since November of 2020 ... There is just the usual parade of conspiracy theories regarding mail-in votes.” “Apparently the only logic to the selection of the precincts is ones where they could find three voters to sign the petition,” Martin said, adding, “This will be a profound waste of county money, a profound waste of county assets, wasting the time of the election staff.”



Tennessee: A group that includes former Knoxville Mayor Victor Ashe has filed a federal lawsuit against the state of Tennessee over a new law that [requires poll workers to tell voters it is against the law to vote in open primary elections](#) without being a “bona fide” political party member. The League of Women Voters of Tennessee, along with Ashe and Phil Lawson, argue that the new law creates confusion and could discourage voters who do not want to register with a party from exercising their right to vote. This new law, which took effect in May, requires election officials to place a sign at every polling place warning voters that to vote in a party’s primary, they must be a “bona fide member of or affiliated

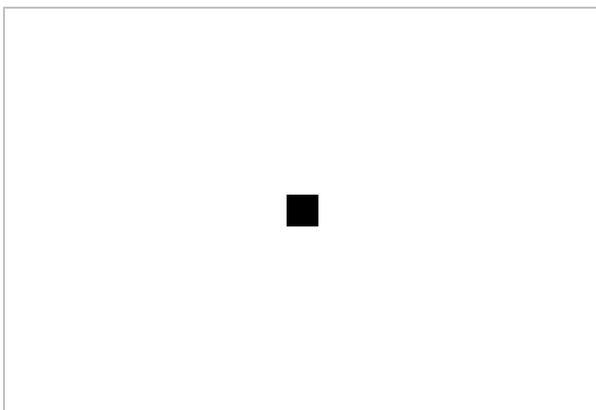
with” or “declare allegiance” to that party or else face criminal prosecution. Additionally, the lawsuit also contends that there is no provision in state law that defines what a “bona fide” party member is, nor how voters would affiliate or “declare allegiance” to a party in order to avoid risk of prosecution. Tennessee currently has partially open primaries, allowing voters to select which party primary they want to vote in at the polling place. “This new law will have a chilling effect on Tennesseans exercising their right to vote and creates unnecessary confusion for voters,” said Debby Gould, President of the League of Women Voters of Tennessee. “The League of Women Voters will continue to fight to ensure that all voters are empowered at the ballot box and can feel confident in their right to vote.”



Texas: Harris County has [dropped its lawsuit against the state](#), ending its challenge to a law that went into effect weeks ago eliminating the county’s elections office. The county had hoped to stop the measure Texas Republicans passed this year that abolished the Harris County elections administrator, an appointed position, and returned election duties to two elected officials, the county clerk and the tax assessor-collector. However, Harris County Attorney Christian Menefee called the case “moot” because the county was already forced to comply with the law starting Sept. 1. Though more than half of Texas counties have an appointed elections administrator, the new law applies only to Harris County, which created the office in July 2020. The new state law went into effect shortly before the start of early voting in this year’s November election. Menefee had argued that the law violated the Texas Constitution by targeting just one county. A district judge agreed with Menefee in August, temporarily delaying the measure from going into effect and writing in her order that Harris County should not be forced to implement “an unconstitutional statute” that was designed “to deprive Harris County of a statutory right available to every other county in Texas.” When the Texas

Attorney General's Office appealed that ruling, the Texas Supreme Court decided the law could go into effect as planned and was scheduled to hear the county's argument next Tuesday that the law was unconstitutional. The county instead made a motion to dismiss the lawsuit days before that hearing. "The Texas Supreme Court's decision in August allowed the state to abolish the elections administrator's office," Menefee said in a statement. "That mooted the county's claims. I look forward to continuing to support County Clerk Teneshia Hudspeth in elections moving forward."

The U.S. [5th Circuit Court of Appeals](#) says it will hear the redistricting case against Galveston County next year. Those suing the county are pressing for the U.S. Supreme Court to intervene quickly to force the county to revise its 2021 political map to comply with the Voting Rights Act. The 5th Circuit says that its full bench will review a lower court's ruling against Galveston County in May in the case formally known as [Petteway v. Galveston County](#). Meanwhile, the appeals court has extended a stay on a lower court's order that says the county must redraw its map.



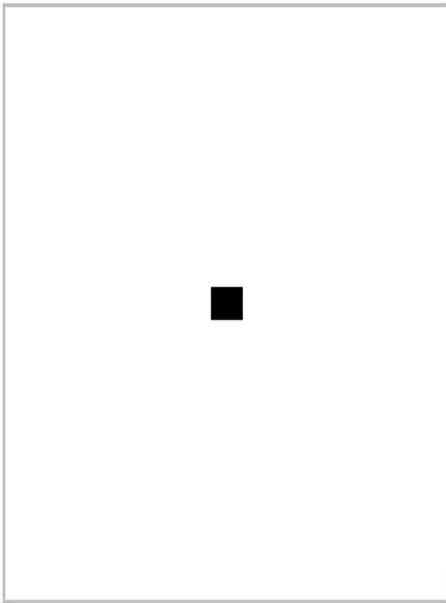
Wisconsin: Waukesha County Circuit

Court Judge Brad Schimel handed down a decision [permanently banning voters from canceling an absentee ballot](#) they have already returned so they can cast a new ballot. Schimel granted a permanent injunction "which will contain substantially the same terms" as a temporary injunction he granted in October of last year, giving a win to the conservative group that spearheaded the lawsuit against the practice known as "ballot spoiling." Restoring Integrity and Trust in Elections brought its lawsuit in September 2022 on behalf of Waukesha County voter Nancy Kormanik, claiming the bipartisan Wisconsin Elections Commission unlawfully advised municipal clerks and the public in a memo and a press release in August of that year that ballot spoiling was permitted. In his decision, Schimel said Wisconsin laws holding that absentee voting is a privilege, not a right, are unambiguous and contain no language "that

would authorize the scheme whereby a clerk spoils the ballot for the elector, at their request, and sends out a new blank ballot for a do-over.” Discussing whether Kormanik had standing to sue as a lone taxpayer, Schimel found that, under binding precedent, Kormanik “has at least a trifling interest in her voting rights,” especially given that the Wisconsin Legislature’s policies have made clear its commitment to guarding against voter fraud. “Why would they do that? Because election fraud cannot be repaired. Once it happens, people are disenfranchised by improperly cast votes. A candidate will get votes improperly, and there is no way to adjust the vote count,” Schimel said. The Legislature concluded the dangers of fraud from absentee voting require strict rules and safeguards, Schimel noted, and if the rules are violated by any ballot cast, that ballot may not be counted. “That is arguably a harsh rule, because it could result in a voter not having their vote counted, and it might not be the fault of the voter that the procedures were not followed. The point: WEC and all election clerks had better get it right, or voters will be disenfranchised. This court had better get it right, too,” Schimel said

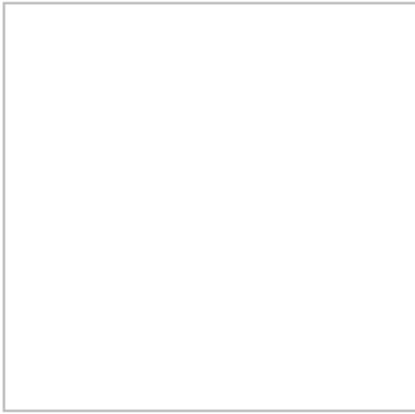
Paul Buzzell, 52, of Mequon, who [posted a photo of his marked ballot](#) on Facebook during the April 2022 election had felony charges against him dropped this week. Buzzell had faced maximum penalties of 3½ years behind bars and \$10,000 in fines. Buzzell, a member of the Mequon-Thiensville School Board, would have also been barred from holding elected office if convicted. Ozaukee County Judge Paul Malloy dismissed the charges against Buzzell in a hearing, saying a state law prohibiting voters from showing their marked ballots to anyone else is in violation of the constitutional right to freedom of speech. Ozaukee County District Attorney Adam Gerol, who brought the charges against Buzzell, promised to continue pursuing the case by asking Wisconsin Attorney General Josh Kaul to review the judge’s decision and decide whether to file an appeal.

Legislative Updates



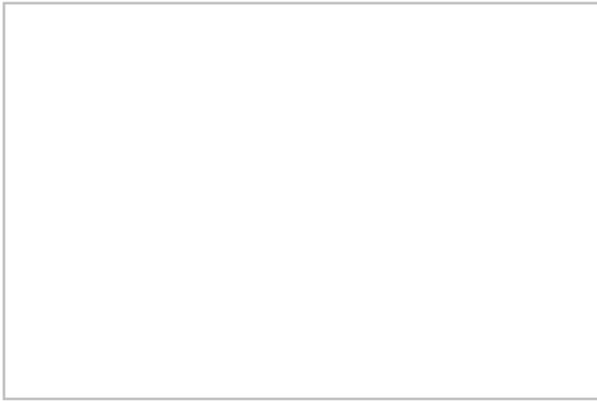
Federal Legislation: U.S. Senators Michael Bennet

(D-Colo.) and Angus King (I-Maine) reintroduced the [Voter Choice Act](#) to support adoption of a ranked choice voting (RCV) model for elections, also known as an “instant runoff.” The Voter Choice Act provides \$40 million in federal matching grants for local and state governments that choose to adopt ranked choice voting, covering up to 50 percent of the implementation cost. The 2021-2022 version of the legislation [passed the U.S. House](#) as an amendment to the Protecting our Democracy Act (PODA). The Voter Choice Act authorizes \$40 million in federal grants to support state and local governments that choose to transition to RCV. Grants would support up to 50 percent of the transition cost, including through the purchase of voting equipment and tabulation software, ballot design, educational materials, and voter outreach. “As partisanship continues to harm our democracy and impede progress, we need to make government work for the American people,” said Senator Michael Bennet. “Ranked choice voting gives people more options at the ballot box, increases political competition, eliminates costly runoffs, and rewards candidates who appeal to the broadest swath of voters. Our bill provides vital support for states and local governments that choose to make this important transition.”

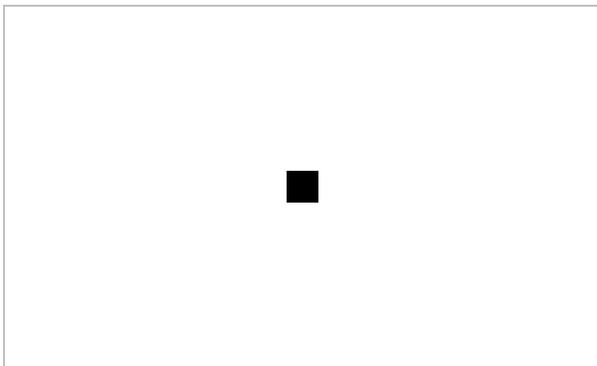


Mohave County, Arizona: Mohave County supervisors

for a second time [rejected a proposal to hand-count ballots cast in 2024 elections](#) instead of using machines. After two hours of impassioned public comments and debate quoting everyone from Thomas Jefferson to Yogi Berra, the five supervisors again rejected the proposal in a 3-2 vote, with each supervisor sticking to the position they took in a previous vote in August. Public comments ranged widely. One Kingman resident teared up Monday as she pleaded with Mohave County supervisors to agree to the hand count, asking them to consider how much they valued their freedom. But another Mohave County resident told supervisors that hand-counting ballots would be a silly and expensive act of “pandering to the misinformed conspiracy theorists in your constituency to get yourselves reelected.” The county expects about 100,000 voters in the 2024 general election. The elections director previously estimated it would take 657 days to complete a hand count for that election. Hand-counting all 2024 elections, he said, would cost an additional \$1.1 million at a time when the county faces an \$18 million deficit. Deputy County Attorney Ryan Esplin told the supervisors Monday that they did not have the authority under state law to hand count all ballots. If they moved forward, he said he would recommend to the county attorney that the office not represent the supervisors in resulting legal matters. That would expose supervisors to personal liability for breaking state law and require them to obtain private counsel.

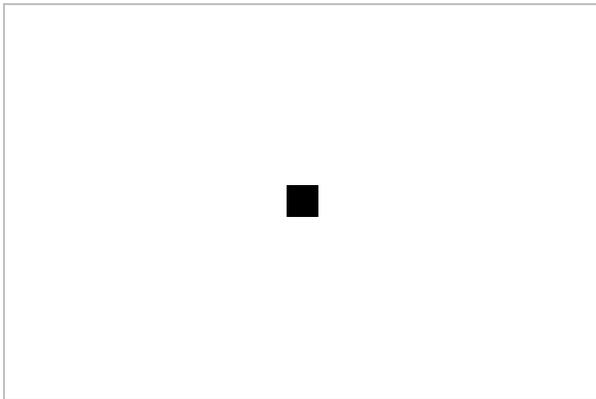


Florida: Legislation filed at the state capitol would allow [hand counting of ballots](#) at election precincts. Under current law, counties must use electronic or what are known as “electromechanical” systems to tabulate votes. The bill, filed a year before the 2024 elections, would allow votes to be counted by hand. The legislation, in part, also would prevent the Florida Department of State from authorizing voting systems that use hardware or software designed, owned or licensed by foreign companies. Republican State Rep. Berney Jacques said he filed the bill in hopes of instilling confidence in the voters about the election process. “There are a lot of individuals who believe, in their heart of hearts, and have run different models, that show hand-counting may be a more accurate way of tabulating votes when it’s done at the precinct level and it’s in a controlled setting,” Jacques said. “I actually don’t know any supervisor who wants to do that,” Palm Beach County Supervisor of Election Wendy Sartory Link [told WPBF 25 News](#). “There are many, many studies out there that show that when you’re doing manual counts and hand counting, it is not as accurate. And so, it’s not just the time that would be lost, but also the accuracy is what we’re concerned about.” The bill will be considered during the legislative session that will start in January.



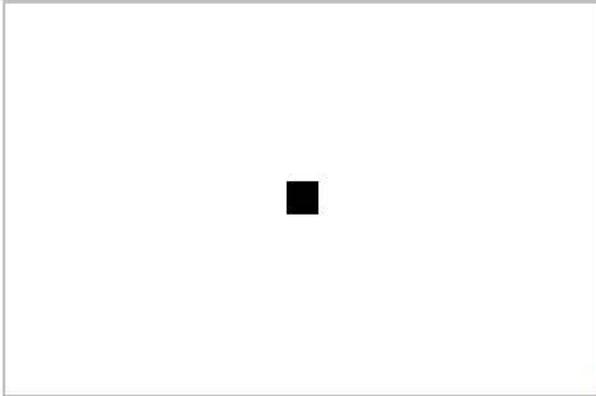
Boston, Massachusetts: The Boston City Council is weighing a measure that would allow [immigrants with “legal status” to vote in municipal elections](#), even if they are not American citizens. Councilor Kendra

Lara [proposed](#) a home rule petition that would enact the change. Lara received words of support from multiple colleagues, and a hearing on the matter will be scheduled soon so that experts can weigh in. “Though immigrants, particularly those with legal status, pay taxes and contribute to Boston’s economy, they are not able to participate in the electoral process, in what I believe is a violation of one of our foundational American principles,” Lara said. “By moving this home rule petition forward, Boston can begin the process of making good on our promise to build a city that is for everyone.” Lara argued that disenfranchising taxpayers from the electoral process is not in line with American values. As the process of gaining full citizenship is often lengthy and expensive, immigrants new to Boston are stuck without the ability to vote for the officials in charge of making decisions that affect their day-to-day lives, she said. In introducing the measure, Lara also highlighted other ways that Boston should grow its electorate, such as giving voting rights to incarcerated people and implementing same-day voting registration. Lara said she spoke with elected officials from communities across Massachusetts, advocates, lawyers, and other experts in crafting the petition. It was referred to the Committee on Government Operations.



New Jersey: Lawmakers have revamped a bill that would allow for [same-day voter registration](#) in New Jersey, a goal of progressive activists that has previously met with resistance from state Senate leadership. Assemblyman Raj Mukherji, a prime sponsor of the [bill](#), said New Jersey should join the 20 other states that already allow eligible residents to register to vote at the polls. Mukherji will be joining the state Senate in January after voters gave him a promotion earlier this month. Under current law, residents must register to vote 21 days before an election to participate in that election. Mukherji’s proposal would allow people to register to vote at an early voting site during the early voting period or at their polling place on Election Day, and then vote. They would be required to produce

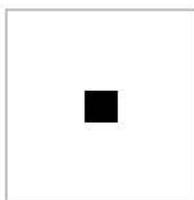
an ID, like a driver's license, or proof of address, like a utility bill. A previous version of the bill was set to be heard by a Senate committee in March 2022, but the hearing was canceled by Senate leadership. Senate President Nicholas Scutari (D-Union) has previously expressed opposition to same-day voter registration.



New York: Gov. Kathy Hochul signed

legislation to assist New Yorkers [in understanding proposed constitutional amendments and other questions](#) that are put on voters' ballots in New York state.

The legislation states that any proposed amendments or other ballot measures must be explained using language that is "plain and clear," allowing voters to fully grasp the practical impact of adopting or rejecting the measure being proposed to them. Hochul touted the move as an effort to ensure a level playing field when New Yorkers head to the polls. "Generations of Americans have fought for the right to vote, and New York is doing our part to ensure access to the ballot box is fair and equitable," Hochul said. "I proudly signed the John R. Lewis Voting Rights Act of New York into law last year, and am pleased to enact this new legislation which will ensure New Yorkers are informed and protected when they cast their vote on proposed constitutional amendments." The legislation lays out specifics for the language used when amendments and questions are put up for a vote, stipulating that all ballot language be written at or below an 8th grade reading level, and also must be written in a "yes" or "no" format, so all citizens have a fair opportunity to confidently cast their ballots.



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Divided Ohio High Court Backs New Bipartisan Election Map

By **Ryan Harroff**

Law360 (November 28, 2023, 1:45 PM EST) -- The Ohio Supreme Court split on party lines as it threw out multiple challenges to the state's newest redistricting plan after having vacated five previous maps as unconstitutionally biased against Democrats, with the Democrat justices saying the majority's opinion makes it seem it "does not care whether the maps are constitutional."

Chief Justice Sharon L. Kennedy and Associate Justices Patrick F. Fischer, R. Patrick DeWine and Joseph T. Deters — all of whom are Republicans — said in their Monday majority opinion that because the Sept. 2023 plan from the Ohio Redistricting Commission was adopted with bipartisan support, the suits brought by the League of Women Voters and others alleging the Sept. 2021 version of that plan violated the Ohio Constitution and was biased against Democrats are no longer applicable.

Democrat Associate Justices Michael P. Donnelly, Melody J. Stewart and Jennifer Brunner sharply disagreed in their dissenting opinion, writing that the petitioners should have been allowed to object to the Sept. 2023 plan rather than having their claims thrown out. According to the dissent, bipartisan commissioner support is not enough to indicate the new map was constitutionally drawn, "especially given the commission's track record" with the five previous maps the court has **rejected in recent years** and what the dissenting justices called its "disobey-and-delay" approach to previous court orders.

"The majority's decision hazards conveying to the public that we are reticent to fulfill our constitutional duty to review state legislative-redistricting plans to ensure their inherent coherence with constitutional requirements for fair legislative representation," the dissent states. "The majority's decision also hazards engendering a corresponding disappointment by citizens in our branch of government — the judiciary — furthering malaise, mistrust, and the perception that nothing changes in state government, except for the worse."

In their majority opinion, the Republican justices said that the core of the challenges that the League of Women Voters and others, including former Ohio legislature candidate Bria Bennett and grassroots politics nonprofit The Ohio Organizing Collective, brought against the commission was substantially undercut by the bipartisan support for the state agency's Sept. 2023 map.

The challenges each named the commission itself as a defendant and also its seven members specifically, including Republicans Ohio Gov. Mike DeWine, Ohio Secretary of State Frank LaRose, Ohio Auditor Keith Faber, Ohio Senate Majority Leader Robert McColley, and Ohio Rep. Jeff LaRe, as well as Democrats Ohio Senate Minority Leader Nickie Antonio and Ohio House Minority Leader Allison Russo.

Central to the petitioners' claims was the idea that the commission's redistricting decisions were "tainted by a partisan divide" indicated by the party-line votes approving previous plans, the majority said, and the fact that Democrat and Republican commissioners were unanimously in favor of the Sept. 2023 plan removed that vital element of the dispute, the majority opinion states.

Given that the unanimous vote significantly changed the circumstances of the redistricting issue, the majority said that the court needed to relinquish its jurisdiction over the issue rather than allowing objections to the new plan to be filed on its docket.

"Now that the commission has adopted a plan with bipartisan support, the facts currently before us bear no resemblance to the allegations in petitioners' complaints," the majority said. "We therefore dismiss these cases, rendering moot respondents' motions to vacate. We express no view on the merits of petitioners' proposed objections to the September 2023 plan or on respondents' arguments in opposition to those objections."

Freda Levenson, counsel for the League of Women Voters, said in a Tuesday statement to Law360 that the majority's decision ignores anti-gerrymandering protections enshrined in the Ohio Constitution and demonstrates that the state's redistricting system is broken.

"This disappointing failure on the part of the court, after years of litigation countered by resistant Ohio officials, underscores the need for redistricting reform," Levenson said. "If Ohio is ever to achieve fair maps, voters must enact a new process to require independent, non-partisan redistricting."

A representative for Ohio Attorney General Dave Yost's office said the opposite in a Tuesday statement to Law360, asserting that the majority's decision is "in accordance" with the state constitution.

"The court correctly found that it lacked jurisdiction to review the bipartisan map, which both the Democratic and Republican commissioners approved," the representative said.

The League of Women Voters is represented by Freda J. Levenson and David J. Carey of the ACLU of Ohio Foundation Inc., Julie A. Ebenstein of the American Civil Liberties Union and Robert D. Fram and Yale Fu of Covington & Burling LLP.

Bennet is represented by Donald J. McTigue of McTigue & Colombo LLC and Abha Khanna, Ben Stafford and Jyoti Jasrasaria of Elias Law Group LLP.

The Ohio Organizing Collective is represented by Peter M. Ellis, M. Patrick Yingling, Brian A. Sutherland and Danielle L. Stewart of Reed Smith LLP and Alicia L. Bannon and Yuriy Rudensky of the Brennan Center for Justice at New York University School of Law.

DeWine, LaRose, Faber and the commission are represented by Michael J. Hendershot, Julie M. Pfeiffer, Jonathan Blanton and Michael A. Walton of the Ohio Attorney General's Office.

McColley and LaRe are represented by W. Stuart Dornette, Beth A. Bryan and Philip D. Williamson of Taft Stettinius & Hollister LLP and Ohio Attorney General Dave Yost.

Antonio and Russo are represented by C. Benjamin Cooper, Charles H. Cooper Jr. and Chelsea C. Weaver of Cooper Elliott.

The cases are League of Women Voters of Ohio, et al. v. Ohio Redistricting Commission, et al., case number 2021-1193, Bria Bennett, et al. v. Ohio Redistricting Commission, et al., case number 2021-1198 and The Ohio Organizing Collaborative, et al. v. Ohio Redistricting Commission, et al., case number 2021-1210, all in the Supreme Court of Ohio.

--Additional reporting by Ryan Boysen. Editing by Emily Kokoll.

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Miami County refers 4 to prosecutor for vote irregularities; one bragged online

Woman posted on social media that she lives in Vandalia but voted in Troy because 'Troy needed it more;' prosecutor says investigations will take weeks



CRIME & LAW

By Nancy Bowman

Dec 1, 2023



TROY — The Miami County Board of Elections agreed to send the ballots of four voters to county prosecutors for review of possible fraud, including one cast by a former Troy woman who wrote on social media that she voted for the Troy City Schools bond issue for new schools even though she now lives in Vandalia.

The board made the referrals to prosecutors during its review of provisional and other ballots while working to certify the Nov. 7 election vote.

Elections Director Laura Bruns told the board two people voted twice, first in early voting and then on Election Day.

Another voter who was not registered but asked to vote Election Day was given a provisional ballot. She filled out the ballot and then ran the ballot through the ballot scanner instead of returning it to a poll worker for processing.

The fourth voter referred was brought to the attention of election officials after she posted a message on social media describing how she had voted in the Troy election instead of Vandalia, where she now lives. Bruns said a poll worker brought a post to the elections' staff attention. The poll book showed the woman voted on Election Day in Troy, Bruns said.

"It is kind of an odd scenario to have somebody posting on social media," Bruns said, adding "We thought it should be brought to your attention."

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Board member Audrey Gillespie made the motion to refer the voter to prosecutors for voting in a location other than where the voter lives. The board voted unanimously to refer the incident to prosecutors.



“I recently moved to Vandalia (planning to move back eventually), but I am still registered to vote in Troy,” the woman wrote on social media. “I’m glad I was able to vote on your school levy over Vandalia’s, as Troy needed it more.”

Another participant on the social media site asked if the woman had voted to raise Troy’s school taxes, even though she doesn’t live in Troy.

“Yes. However, I work and do all of my shopping in Troy,” the voter answered. “My daughter went to Troy City Schools for three years. They needed the funding badly. We plan to move back to Troy in the next three years.”

The Dayton Daily News generally does not name suspects who have not yet been charged with any crime.

County Prosecutor Tony Kendell said the four cases were received by his office this week. His investigator, a retired police officer, will investigate. Depending on the number of irregularities alleged and the complexity, the investigations usually take two to six weeks, he said.

“It seems we have a few irregularities following just about every election held that we look into. The vast majority of the time the irregularities are determined to be mistakes and are not intentional in nature (and those) individuals are not charged,” Kendell said. “In the event that the actions are determined by the

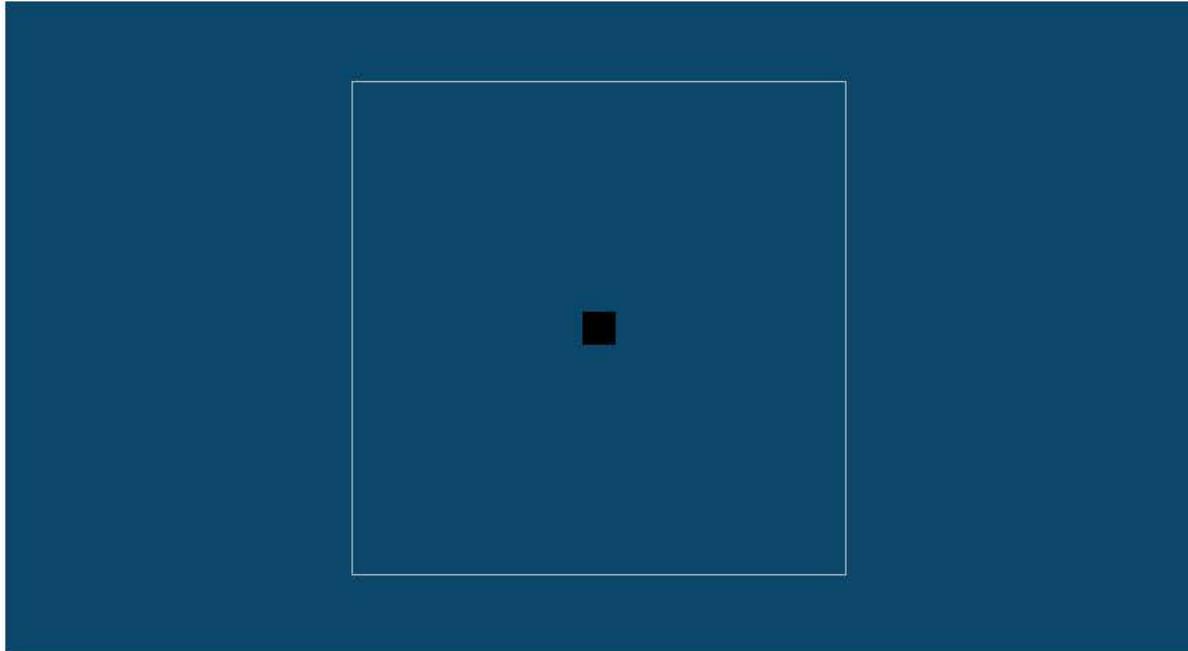
OH-AG-24-0086-A-000093

evidence gathered to be intentional, charges are then brought. The potential charges range from misdemeanors to felonies depending upon the actions taken by the suspect.”

Bruns said the elections office did not see any larger, organized vote fraud or registration fraud efforts during this fall's election.

Contact this contributing writer at nancykburr@aol.com

From: report@hannah.com
To: [Julie Pfeiffer](#)
Subject: House Journal Summary - Nov. 29, 2023
Date: Wednesday, November 29, 2023 7:49:14 PM



House Journal Summary - Nov. 29, 2023

EIGHTY-FOURTH DAY (Nonvoting Session)

INTRODUCED

- HB343** REPRODUCTIVE CARE ACT (Rep. Anita Somani, Rep. Beth Liston) To enact the Reproductive Care Act regarding abortion, abortion-related laws, and reproductive health protections; to amend the version of section 3702.30 of the Revised Code that is scheduled to take effect September 30, 2024; and to repeal the version of section 5103.11 of the Revised Code that is scheduled to take effect January 1, 2025, to continue the changes on and after those dates.
- HB344** PROPERTY TAX LEVIES, COMPLAINTS (Rep. Adam Mathews, Rep. Thomas Hall) To eliminate the authority to levy replacement property tax levies and to modify the law governing certain property tax complaints.
- HB345** OHIO PERSONAL PRIVACY ACT (Rep. Thomas Hall, Rep. Bill Seitz) To enact the Ohio Personal Privacy Act.

PASSED BY HOUSE

- HB54** INTERCHANGE DESIGNATION-KEITH EARLEY (Rep. Michele Grim) To designate the interchange of I-475 and Dorr Street in Lucas County as the "Keith G. Earley Memorial Interchange."
Vote 74-0
- HB75** CAITLIN RENEE PRESTON MEM HWY (Rep. Brian Lampton, Rep. Bill Dean) To designate a portion of State Route 72 in Greene County as the "Caitlin Renee Preston Memorial Highway."

Vote 75-0

HB81 SHERIFF DALE WILLIAMS MEM HWY (Rep. Monica Robb Blasdel, Rep. Don Jones) To designate a portion of State Route 39 in Carroll County as the "Sheriff Dale R. Williams Memorial Highway."

Vote 76-0

HB107 JOHNNY TETRICK MEM HWY (Rep. Tom Patton) To designate a portion of I-90 in Cleveland as the "Cleveland Firefighter Johnny Tetrick Memorial Highway."

Vote 75-0

HB139 INCREASE PENALTIES FOR ASSAULT OF SPORTS OFFICIAL (Rep. Bill Roemer, Rep. Joseph Miller) To increase the penalties for assault if the victim is acting as a sports official or the assault is committed in retaliation for the victim's actions as a sports official.

Vote 71-6

HB161 ELIMINATE SPOUSAL EXCEPTION FOR SEXUAL ASSAULT (Rep. Jessica Miranda, Rep. Brett Hillyer) To eliminate the spousal exceptions for the offenses of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, and importuning and to permit a person to testify against the person's spouse in a prosecution for any of those offenses.

Vote 75-1

HB176 OHIO CARPENTERS LICENSE PLATE (Rep. Michele Grim) To revise the "Ohio Carpenters" license plate.

Vote 69-7

HB256 ODNR ORGAN DONATIONS (Rep. Kevin Miller, Rep. Rodney Creech) To require the Department of Natural Resources to inquire about organ donation under specified circumstances.

Vote 77-0

HB257 VIRTUAL MEETINGS FOR PUBLIC BODIES (Rep. James Hoops, Rep. Thad Claggett) To authorize certain public bodies to meet virtually.

Vote 74-3

The House adjourned until Thursday, Nov. 30, 2023 at 9 a.m. (Nonvoting Session)

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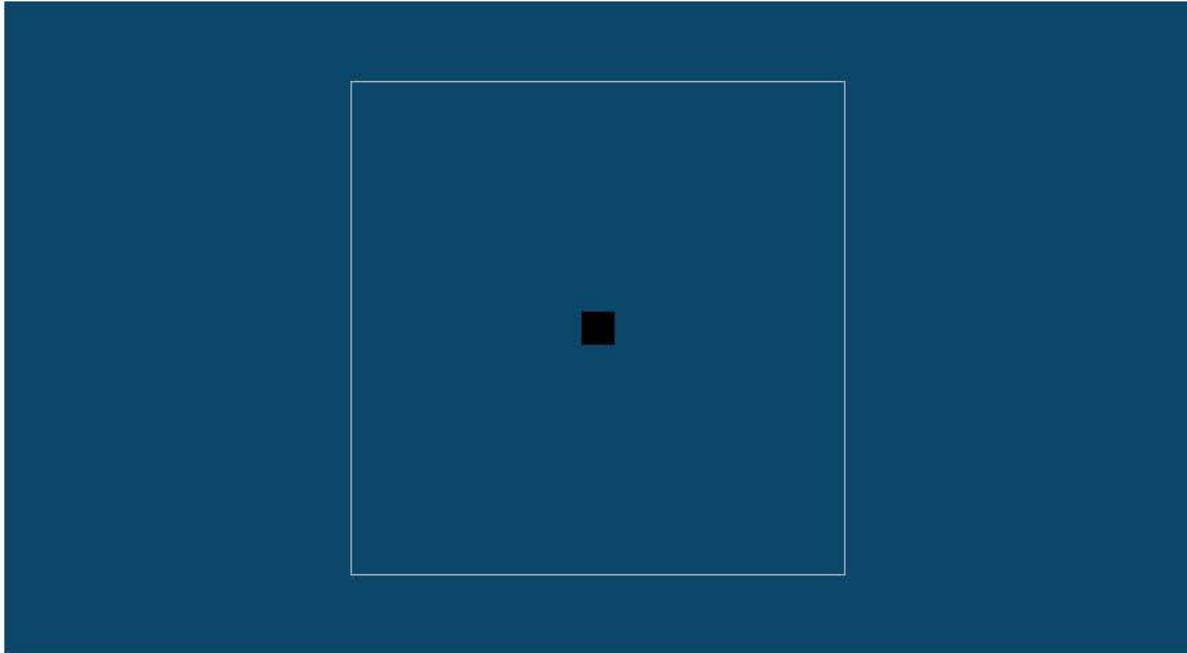
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From: report@hannah.com
To: [Julie Pfeiffer](#)
Subject: House Floor Actions - Nov. 29, 2023
Date: Wednesday, November 29, 2023 3:16:56 PM



House Floor Actions - Nov. 29, 2023

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Vote 73-3

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From: [Hannah Hundley](#)
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Subject: News Clips 11/28
Date: Tuesday, November 28, 2023 8:22:09 AM



Detroit Legal News • USA • Nov 28 • 07:20 AM

Voters just passed abortion protections. When and how they take effect is before the courts

... nothing like that should be tried, at least in 2024. How **Attorney General Dave Yost** will proceed also is being closely watched. In a legal ...



WYTV-TV • USA • Nov 28 • 07:10 AM

Man arrested in his father's murder at Ohio home

... detectives continue to investigate, along with the **Ohio Bureau of Criminal Investigation** and the Cuyahoga County Medical Examiner's Office.



Axios • USA • Nov 28 • 06:20 AM

A new home for human trafficking survivors

... Hotline , and tackling the problem has been a priority for **Ohio Attorney General Dave Yost**, who launched a Human Trafficking Initiative in ...



WOIO-TV • USA • Nov 28 • 05:24 AM

Sentencing for former East Cleveland police officer guilty of assault

As part of the plea, Foti also agreed to permanently surrender his **OPOTA** certifi

cation. According to Cuyahoga County Prosecutor Michael O ...



The Intelligencer / Wheeling News-Register • USA • Nov 28 • 01:28 AM

Settlement Funds To Aid Belmont County Food Pantries

... distributed from a settlement by the Dollar General to **Ohio Attorney General Dave Yost's** office. Earlier this month, two food ...



Cleveland.com • USA • Nov 27 • 10:43 PM

Solon man accused of killing his father in home

The Cuyahoga County Medical Examiner's Office, **Ohio Bureau of Criminal Investigation**, and Solon detectives are continuing to ...



WKYC-TV • USA • Nov 27 • 06:22 PM

New Columbus development provides affordable housing for human trafficking survivors

... importantly, it will provide stable, affordable housing. **Ohio Attorney General Dave Yost** says that's something trafficking victims are ...



WCMH-TV • USA • Nov 27 • 06:00 PM

Housing project helping human trafficking survivors opens in Columbus this week

... for medical care, your whole world is that trafficker," **Attorney General Dave Yost** (R-Ohio) said. "Boom, he goes away, goes to prison ...



viewfromthepugh_Prnewswire • USA • Nov 27 • 05:59 PM

Ohio Officials, CMHA, 360° Management, and CVS Health Announce Opening of Supportive Housing Community for Human Trafficking Survivors

... and private entities we have working on this project," **Attorney General Dave Yost** said. "Without such partnerships, this kind of vital ...



WLWT-TV • USA • Nov 27 • 05:19 PM

Butler County food bank to receive thousands from Dollar General settlement with Ohio

... settlement between Ohio and Dollar General. According to **Ohio Attorney General Dave Yost**, it comes after the retail chain displayed ...



WOSE-FM • USA • Nov 27 • 04:25 PM

Home for human trafficking survivors to open next month in Columbus

... city of Columbus, Ohio Capital Corporation for Housing and **Ohio Attorney General Dave Yost**, among others. Aetna CVS Health put \$10.6 ...



WEWS-TV • USA • Nov 27 • 04:17 PM

Solon man charged with murder for father's death

... as he is in custody. Solon detectives and the **Ohio Bureau of Criminal Investigation** are investigating the case.





WKYC-TV • USA • Nov 27 • 03:51 PM

Solon man charged with murdering his father

The Cuyahoga County Medical Examiner's Office, the **Ohio Bureau of Criminal Investigation** (BCI), and the Solon Detective Bureau are ...



Spectrum News 1 Ohio • USA • Nov 27 • 03:13 PM

2 Beavercreek Walmart shooting victims released from hospital

... of Alcohol, Tobacco, Firearms and Explosives, the **Ohio Bureau of Criminal Investigation** and the FBI are assisting in the investigation ...



Catholic Diocese of Youngstown • USA • Nov 27 • 02:52 PM

Facilities and Grounds Worker – Christ Our Savior Parish, Struthers

... the mandatory Safe Environment Policy requirements including the **Ohio BCI** background check and completion of the VIRTUS training program. ...



WXIX-TV • USA • Nov 27 • 02:13 PM

Tri-State food bank to receive thousands of dollars from Dollar General lawsuit

... will receive thousands of dollars in settlement money after **Ohio Attorney General Dave Yost** sued Dollar General back in November of 2022. ...



WOIO-TV • USA • Nov 27 • 01:38 PM

Former East Cleveland police officer pleads guilty to assault

As part of the plea, Foti also agreed to permanently surrender his **OPOTA** certification. He will be sentenced by Judge Andrew Santoli on ...



The Center Square • USA • Nov 27 • 01:00 PM

Proposed redistricting constitutional amendment moves forward

... issue, but the group pushing for the change notified **Attorney General Dave Yost** it had made an error in the language, requiring it to ...



WSYX-TV • USA • Nov 27 • 12:37 PM

Harriet's Hope offers fresh start for survivors of human trafficking

... health and medical care, as well as job skills training. **Ohio Attorney General Dave Yost** joined several project leaders and state ...



WTOV-TV • USA • Nov 27 • 12:29 PM

Family holds vigil for Ta'Kiya Young three months after her death

... two sons: a six-year-old and a three-year-old. The **Ohio Bureau of Criminal Investigation** is still investigating the shooting.



WXIX-TV • USA • Nov 27 • 11:31 AM

Federal railroad law trumps Ohio law in dispute over stopped trains: US Solicitor General

... explaining the federal government's views after the **Ohio Attorney General's** Office and Union County Prosecutor's Office turned to the ...



Newsfeeds.Media • USA • Nov 27 • 10:23 AM

Family of 'serial killer's' victim slams AG for 'shaming' men targeted

... postal worker who struggled with a drug addiction. When AG **Dave Yost** announced the charges against the sex worker last month, he ...



The Columbus Dispatch • USA • Nov 27 • 10:17 AM

One-of-a-kind home for human trafficking survivors to open next month in Columbus

... out of a public-private partnership that brought together **Ohio Attorney General Dave Yost** ; Columbus Metropolitan Housing Authority (...

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From: [Hannah Hundley](#)
To: [Section Chiefs and Above](#); [Policy And Public Affairs](#); [Internal News Subscribers](#)
Subject: News Clips 11/27
Date: Monday, November 27, 2023 8:46:40 AM



The Toledo Blade • USA • Nov 27 • 07:30 AM



Ohio abortion ban likely to spawn multiple legal actions

... on what side of that line.” The Supreme Court case puts **Attorney General Dave Yost** in an awkward position. As the state’s top lawyer, his ...



Yahoo! News • USA • Nov 27 • 07:00 AM



Kentucky’s next attorney general talks fighting drug epidemic, violent crime and Biden

... crime. That’s a great model for me. There’s a lot to be learned. **Dave Yost** is the **attorney general of Ohio**, and he’s offered ideas on how ...



Cleveland.com • USA • Nov 27 • 05:30 AM



Judges, juries to soon decide the cases of former East Cleveland police officers

... to charges in both Medina and Cuyahoga counties. The **Ohio attorney general’s** office then filed a lawsuit against Gardner in Portage ...



The Daily Reporter • USA • Nov 27 • 05:09 AM



Outside law firm to investigate state lawmaker accused of hostile behavior

... 's office does not comment on pending investigations. [Ohio Attorney General Dave Yost](#)'s letter last week to the firm Perez and Morris ...



[The Daily Legal News](#) • USA • Nov 27 • 12:27 AM

Ohio commission approves fracking in state parks and wildlife areas despite fraud investigation

Wisconsin in 2014, Ohio in 2016 and South Carolina in 2018. [Ohio Attorney General Dave Yost](#), a Republican, said in September he would ...



[Latrobe Bulletin](#) • USA • Nov 26 • 10:38 PM

Ohio voters just passed abortion protections. When and how they take effect is before the courts

... like that should be tried, at least in 2024. How [Attorney General Dave Yost](#) will proceed also is being closely watched. In a legal ...



[NBC News](#) • USA • Nov 26 • 04:35 PM

Dozens of hostages released amid Israel-Hamas cease-fire: Weekend Rundown

... a liar." Ohio AG's statement upsets victim's family When [Ohio Attorney General Dave Yost](#) announced the arrest of a sex worker accused of ...



[Yahoo! News](#) • USA • Nov 26 • 02:55 PM

The Spectrum: Shake up with Ohio teachers' pension fund

Hear what allegations he is facing and how the [Ohio Attorney General's](#) office is

getting involved. A sexual assault survivor ...



The Messenger • USA • Nov 26 • 12:21 PM

Ohio Family of Man Allegedly Killed By Sex Worker Rebecca Auburn Blasts Prosecutors for 'Victim Shaming'

... buy sex in Ohio – it ruins lives and could cost you yours,” **Ohio Attorney General Dave Yost** said in a press release following the arrest of ...



The Messenger • USA • Nov 26 • 09:06 AM

Rebecca Auburn's Alleged Serial Killings of Men Looking For Sex Are 'Reminiscent' of Aileen Wuornos' Crimes, Former FBI Agent Says

... being held in Franklin County Jail. The investigation led **Ohio Attorney General Dave Yost** to release a statement warning would-be johns ...



Pittsburgh Post-Gazette • USA • Nov 26 • 06:38 AM

Voters back abortion rights, but some foes won't relent. Is the commitment to democracy in question?

Mike DeWine, a leading opponent of Issue 1. Republican **Attorney General Dave Yost** tweeted that he “scoured” the Ohio Constitution, but ...



Cleveland.com • USA • Nov 26 • 05:03 AM

Colorado ruling does not bar Ohio from determining if Trump qualifies for its ballot. The sad reality is it's unlikely to do so: Mark R. Brown

... here. Suffice it to say that Trump supporters like LaRose , **Ohio Attorney General Dave Yost** , and Ohio's GOP machinery will do whatever ...



 **The Vindicator** • USA • Nov 26 • 12:21 AM



Old-fashioned holiday fun thrills throngs at Christmas at the Mill

... is canceling its program Tuesday at ... YOUNGSTOWN — **Ohio Attorney General Dave Yost** and nine partner agencies on Monday announced ...

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From: [Hannah Hundley](#)
To: [Section Chiefs and Above](#); [Policy And Public Affairs](#); [Internal News Subscribers](#)
Subject: News Clips 11/20
Date: Monday, November 20, 2023 8:45:39 AM



Miami Herald • USA • Nov 20 • 04:04 AM

Voters back abortion rights, but some foes won't relent. Is the commitment to democracy in question?

Mike DeWine, a leading opponent of Issue 1. Republican **Attorney General Dave Yost** tweeted that he "scoured" the Ohio Constitution, but ...



The Daily Reporter • USA • Nov 20 • 01:35 AM

Ohio commission approves fracking in state parks, wildlife areas

... in 2014, Ohio in 2016 and South Carolina in 2018. **Ohio Attorney General Dave Yost** said in September he would investigate any ...



Cleveland.com • USA • Nov 19 • 10:42 PM

Director of Ohio's teachers retirement system placed on leave amid 'misconduct' investigation

... amid an investigation into "misconduct," according to the **Ohio Attorney General's Office**. **Attorney General Dave Yost** released a ...



NewsBeezer • USA • Nov 19 • 03:35 PM

Inside the twisted Rhoden family massacre that saw EIGHT Ohio

relatives killed in a single night – including a 16-year-old boy

... described by witnesses as “over-the-top.” In the process, [Ohio Attorney General Mike DeWine](#) announced that “sophisticated” marijuana “ ...



[WTVG-TV](#) • USA • Nov 19 • 12:06 PM

Head of STRS under investigation for misconduct

... investigation for allegations of misconduct according to [Attorney General Dave Yost](#). Yost says he has appointed a counsel to investigate ...



[Activist Post](#) • USA • Nov 19 • 12:04 PM

State Commission Approves Fracking in Parks and Designated Wildlife Areas

... in 2014, Ohio in 2016 and South Carolina in 2018. [Ohio Attorney General Dave Yost](#), a Republican, said in September he would ...



[LatestFinance.News](#) • USA • Nov 19 • 04:56 AM

2024 Senate Majority Battle: These Five Democratic-Held Seats Are Most Likely to Be Flipped

... Sen. Matt Dolan, a former county prosecutor and assistant [Ohio attorney general](#), launched his campaign in January. Dolan, whose family ...



[ItemFix](#) • USA • Nov 18 • 01:51 PM

Bodycam video released after Tuscarawas County deputy shoots passenger of fleeing car

The **Ohio Bureau of Criminal Investigations (Ohio BCI)** has launched an investigation after a Tuscarawas County deputy shot a passenger of a ...



Journal-News • USA • Nov 18 • 10:24 AM

State Teachers Retirement System director suspended, under investigation

... to protect their financial security,” Price said. **Attorney General David Yost** said the allegations are “troubling” and the matter is ...



The Scioto Post • USA • Nov 18 • 10:22 AM

Indictment Filed in Hocking County on Man Charged with Shooting K9 and Officer in Standoff

... ’s deputy and a police K-9 during a standoff in July, **Ohio Attorney General Dave Yost** and Hocking County Prosecutor Ryan Black ...



Route Fifty • USA • Nov 18 • 09:30 AM

Democrats face a balancing act in advancing clean energy initiatives

... of Ohio’s six-week “heartbeat” abortion ban . State **Attorney General Dave Yost** and plaintiffs have until Dec. 7 to file written ...



InsuranceNewsNet • USA • Nov 18 • 08:49 AM

Pharmacy middleman grants huge bonuses for winning business meant to help the poor

... investigation — said the bonuses were "well earned." **Ohio Attorney General Dave Yost** in March sued Express Scripts and several other ...



The Courier • USA • Nov 18 • 08:00 AM

Prosecutor named; warrant sealed

NORWALK — The **Ohio Attorney General's** office is acting as special prosecutor in the search for Amanda Dean, according to court records ...



Logan Daily News • USA • Nov 18 • 05:00 AM

Indictment filed in local armed standoff case

... 's deputy and a police K-9 during a standoff in July, **Ohio Attorney General Dave Yost** and Hocking County Prosecutor Ryan Black ...



Parkersburg News & Sentinel • USA • Nov 18 • 03:44 AM

Logan man indicted in Hocking County deputy's shooting

... call at the home, according to a joint press release from **Ohio Attorney General Dave Yost** and Hocking County Prosecutor Ryan Black. In ...



Salem News • USA • Nov 18 • 02:03 AM

Man charged with murder in 2010 cold case

... Case Task Force, the county Sheriff's Office, the **Ohio Bureau of Criminal Inv**

estigation and his prosecutor's staff. He credited new ...



The Vindicator • USA • Nov 18 • 12:05 AM

Burnt pot cigar given to officer

... revealing the bags of drugs. The drugs have been sent to the **Ohio BCI** lab for testing. Today's breaking news and more in your inbox ...



Targeted News Service (Print Edition) • USA • Nov 18 • 12:00 AM

Ohio A.G. Yost: Petition Summary Rejected Due to Omissions and Misstatements

... **Ohio Attorney General Dave Yost** issued the following news release on Nov. 17, 2023:The **Ohio Attorney General's** Office today rejected the ...



Targeted News Service (Print Edition) • USA • Nov 18 • 12:00 AM

Ohio A.G. Yost Announces \$750,000 to Benefit Local Ohio Food Banks

... **Ohio Attorney General Dave Yost** issued the following news release:Speakin g this morning at the County Auditors' Association of Ohio's ...



Targeted News Service (Print Edition) • USA • Nov 18 • 12:00 AM

Ohio A.G. Yost: Indictment Filed in Hocking County Officer-Involved Critical Incident

... **Ohio Attorney General Dave Yost** issued the following news release on Nov. 17, 2023:A Hocking County man has been charged with 21 felonies, ...



The Mount Vernon Grapevine • USA • Nov 17 • 05:41 PM



Petition Summary Rejected Due to Omissions and Misstatements

... (COLUMBUS, Ohio) — The **Ohio Attorney General's** Office today rejected the petition summary of a proposed constitutional amendment, titled “ ...



The Mount Vernon Grapevine • USA • Nov 17 • 05:36 PM



AG Yost Issues Statement on Investigation Into Complaints Against STRS Director

... (COLUMBUS, Ohio) — **Ohio Attorney General Dave Yost** issued the following statement regarding the appointment of special counsel to ...



WTRF-TV • USA • Nov 17 • 04:59 PM



What's the problem with Ohio teachers' retirement system (STRS)? Attorney General investigating

EST Updated: Nov 17, 2023 / 04:59 PM EST COLUMBUS, Ohio — **Ohio Attorney General Dave Yost** issued the following statement Friday regarding ...



WOIO-TV • USA • Nov 17 • 04:53 PM



Westlake man indicted for voting twice in 2020 presidential election

... of Elections office, the prosecutor's office said. The **Ohio Attorney General's** Office Bureau of Criminal Investigation conducted the ...

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From: [Court News Ohio](#)
To: [Julie Pfeiffer](#)
Subject: Supreme Court Headlines for Friday, November 17, 2023
Date: Friday, November 17, 2023 10:55:16 AM

[Court News Ohio: A Service of the Supreme Court of Ohio & Ohio Government Telecommunications](#)



Friday, November 17, 2023

Please note that some newspapers change their hyperlinks daily, so it is advised that articles of interest be read today as they might not be accessible later. Please also note that publications have varying access policies. Some may charge, and others only allow limited access. For additional information, please contact the [Office of Public Information](#).

[Ohio Supreme Court to weigh abortion amendment's effect on 'heartbeat' case": Cleveland.com](#)

The Ohio Supreme Court is officially re-opening its review of Ohio's six-week "heartbeat" abortion ban in light of last week's passage of state Issue 1, the ballot issue that adds abortion rights to the state constitution.

[Ohio Supreme Court to consider how Issue 1 passage affects heartbeat law: Dayton Daily News](#)

With the passage of Issue 1 last week, the Ohio Supreme Court is turning its attention back to Preterm-Cleveland v. Yost, the lawsuit stemming from a lower court's preliminary injunction on Ohio's heartbeat law.

[Ohio justices ask whether abortion vote affects six-week ban case: Toledo Blade](#)

Ohio's top court on Thursday indicated that it may take last week's adoption by voters of a constitutional right to abortion access into consideration as it decides whether to restore a strict ban on most abortions after six weeks of pregnancy.

[Emile Weaver resentenced for murder of newborn; may be paroled after 20 years in prison: Zanesville Times Recorder](#)

A former student at Muskingum University convicted in 2016 of murdering her newborn baby was re-sentenced Thursday in Muskingum County Common Pleas Court with a different result than the first time.

[Former state Rep. Bob Young to get probation for domestic violence and other charges: Akron Beacon Journal](#)

Former state Rep. Bob Young, who was convicted last month of domestic violence for hitting his wife, accepted a plea deal Thursday that avoids any jail time for this and other misdemeanor charges.

[Doug Evans vs. state prosecutors on how illegal waste at Evans Landscaping site should be cleaned up: WCPO](#)

Evans Landscaping owner Doug Evans is back in court, this time fighting with state prosecutors over how to clean up buried construction waste at a site near Newtown.

[Upper Arlington teacher charged with raping student offered 'lenient' plea, accuser says: Columbus Dispatch](#)

Essie Baird was 12 years old in 2000 when she says her sixth-grade track coach at Upper Arlington's Hastings Middle School singled her out and groomed her for a sexual relationship. Baird said she was shocked when she learned earlier this month that Madison County Prosecutor Nicholas Adkins' office had extended a plea deal to Joel Cutler that Baird says is too lenient.

[Columbus man sentenced to life in prison for two shootings on Halloween 2021, one fatal: Columbus Dispatch](#)

Othman Abdu shot two different people in unrelated incidents on opposite sides of Columbus on Halloween 2021. One of them died. On Thursday, Abdu, 20, of the Blacklick area on Columbus' Far East Side, was sentenced by Franklin County Common Pleas Court Judge Sheryl Munson to life in prison with the chance for parole after 39 years for his gun violence.

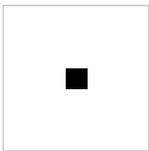
[Second obstruction defendant gets jail time, probation in youths' kidnappings, deaths: Toledo Blade](#)

The second of two women accused of lying to police during the 2022 investigation of two teenage boys' disappearances and deaths has received 270 days in jail and three years' probation after pleading no contest to obstruction of justice.

[From Judge Michael J. Newman \(S.D. Ohio\) on Use of AI to Prepare Filings: Reason Magazine](#)

From today's order in *Whaley v. Experian Info. Solutions, Inc.*, which dismisses the case on the merits. The Court reminds all parties that they are not allowed to use AI—for any purpose—to prepare any filings in the instant case or any case before the undersigned.

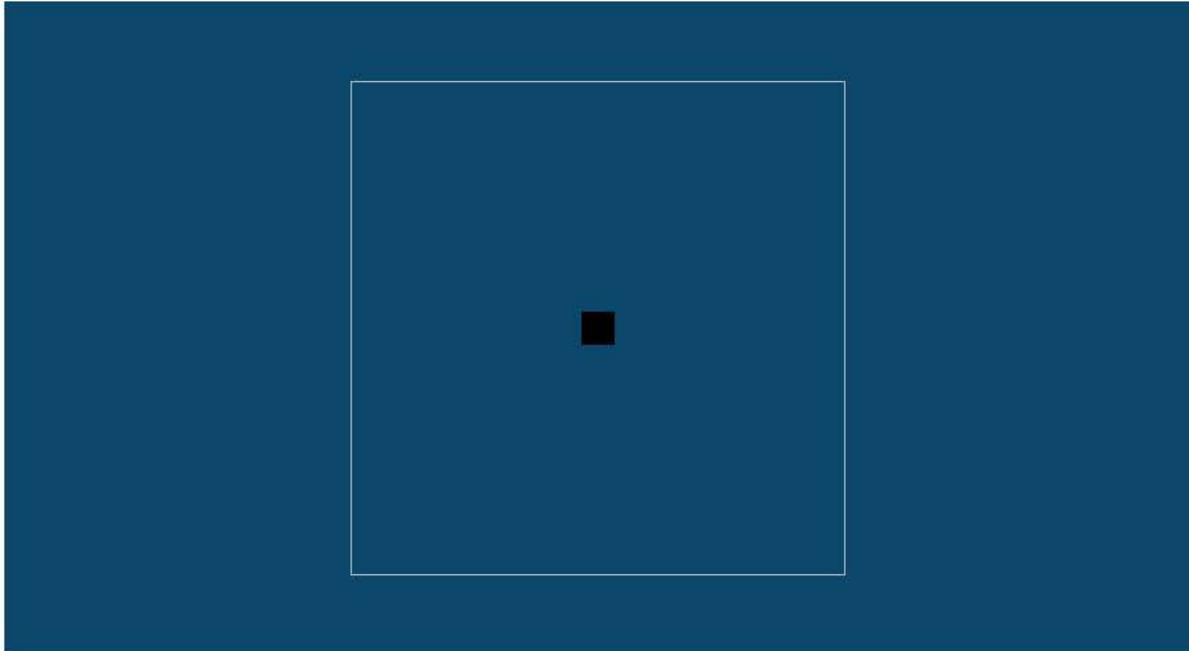
For more headlines and information about how headlines are selected, click [here](#).



This email was sent to julie.pfeiffer@OhioAG.gov using GovDelivery Communications Cloud on behalf of: The Supreme Court of Ohio - 65 South Front Street - Columbus, OH 43215-3431 - 614-387-9000

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From: report@hannah.com
To: [Julie Pfeiffer](#)
Subject: Hannah News Stories for Thursday, November 16, 2023
Date: Thursday, November 16, 2023 8:33:15 PM



Thursday, November 16, 2023

IN TODAY'S HANNAH REPORT

Congressman Johnson Considers YSU Offer to Become University's President

Youngstown State University (YSU) Thursday offered its vacant presidency position to U.S. Rep. Bill Johnson (R-Marietta), but the congressman did no...

Supreme Court Orders 'Heartbeat' Parties to File Briefs on Issue 1; Planned Parenthood to Expand Abortion Services in Ohio

Attorneys involved in "heartbeat" abortion case Preterm-Cleveland v. Yost must file briefs on the effects of passage of Issue 1 on the case in the...

School Bus Safety Group Pauses for Deadly Crash, Debates Seat Belts, Training, Driver Compensation

Gov. Mike DeWine's school bus safety panel observed an opening moment of silence Thursday following this week's fiery bus crash killing three studen...

Legislature Should Tighten Home Grow Provisions of Marijuana Law, Callender Says

While he supported Issue 2 and is thrilled that adult use marijuana legalization was approved by voters, Rep. Jamie Callender (R-Concord) said there...

❑ Callender Commends Lagging Agencies for Rule Reduction Efforts, Warns against Future Non-Compliance

The four agencies that were the most behind on meeting their regulatory restriction reduction goals under 134-SB9 (McColley-Roegner) have made enough...

❑ DeWine, French Speak to National Insurance Legislators' Group

Gov. Mike DeWine gave brief remarks to the National Council of Insurance Legislators (NCOIL) Thursday at its annual meeting in Columbus. NCOIL inclu...

❑ JMOC Talks Value-Based Health Care Payments

The Joint Medicaid Oversight Committee (JMOC) got an overview Thursday on efforts to drive better quality care and allow providers to share in the s...

❑ ODH Director Talks Respiratory Viruses, Obesity Ahead of Thanksgiving Holiday

Ohio is not seeing the dramatic spike in cases of influenza and respiratory syncytial virus (RSV) cases that it had last year, Ohio Department of He...

❑ OFCC Reports Nearly \$3.7 in Project Activity

The Ohio Facilities Construction Commission (OFCC) reported nearly \$3.7 billion in project activity as of September 2023 – that includes 91 projects...

❑ TechCred September Results Announced; November Period Currently Open

Lt. Gov. Jon Husted announced Thursday that 480 employers were approved for funding in the September round of TechCred, which will enable Ohioans to...

❑ Cleveland Native Shares Ideas on Philanthropy, Building Economic Equity

Alesha Washington says there's a human instinct to wonder, "Am I doing this right?" and that the work around that can be hard and frustrating. But t...

❑ Bowhunters in Ohio Harvest Nearly 70K Deer This Season; Husted among Successful Hunters

The Ohio Department of Natural Resources (ODNR) reports that bowhunters across Ohio have harvested 69,897 deer through Sunday, Nov. 12. And Lt. Gov....

❑ State Government Roundup: Secretary of State; ORDC

Secretary of State's Office Relocation to Be Completed Thanksgiving Week According to the office of Secretary of State Frank LaRose, the ...

❑ Campaign Corner: 12th Ohio House District; Endorsement

Republican Announces 12th Ohio House District Campaign Republican Patty Hamilton, a retired lieutenant colonel in the U.S. Army Reserves...

□ People in the News: Young

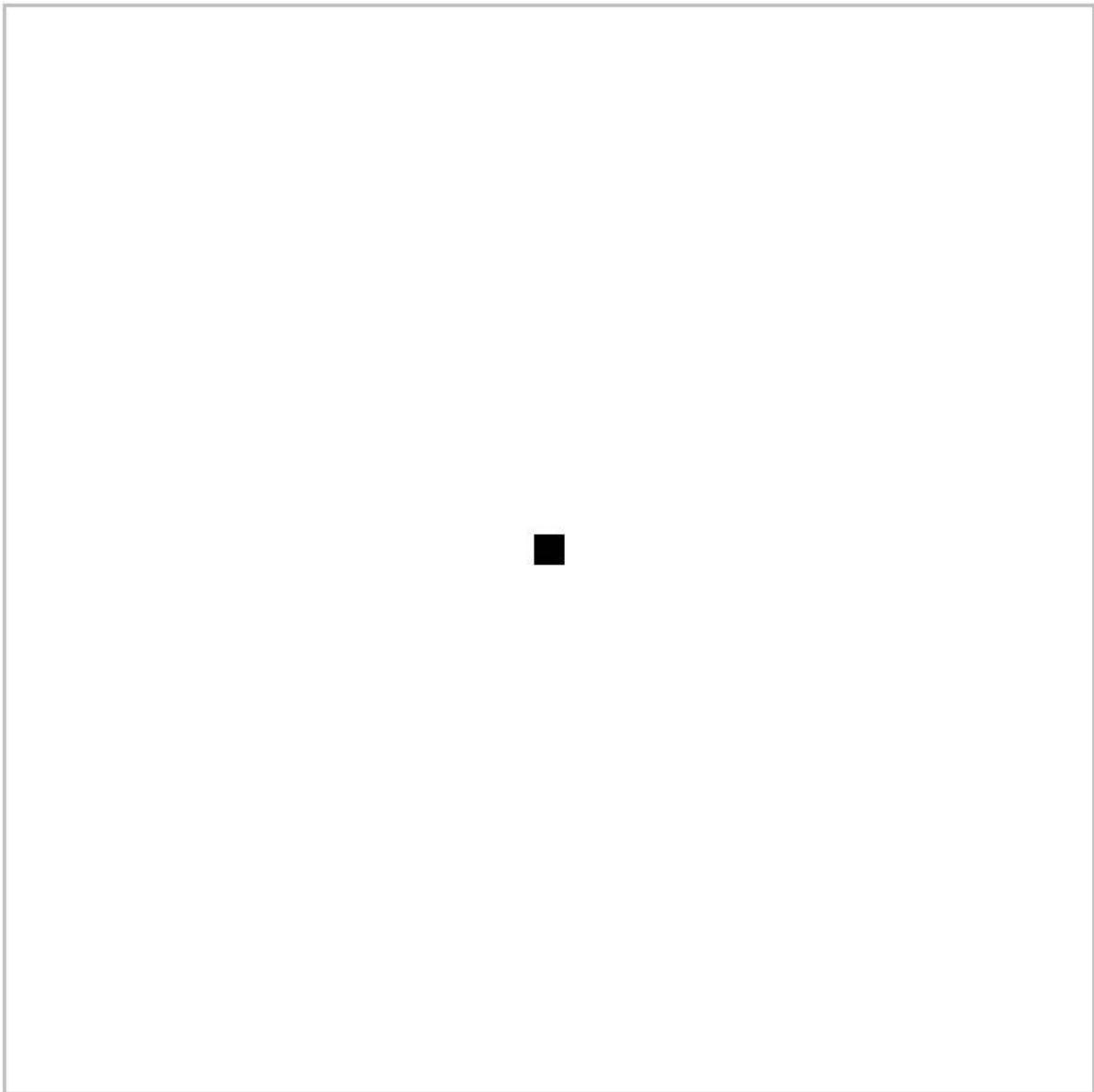
Former Rep. B. Young Accepts Plea Deal, Probation Sentence Former Rep. Bob Young Thursday pleaded guilty to three counts of violating a ...

□ Judicial Actions: Special Commission

Special Commission Mulls \$20K in Legal Fees after Ruling against Judge-Elect Williams A five-judge commission appointed by the Ohio Supre...

□ JLEC Registration Changes for November 16, 2023

Recent legislative agent and executive agency lobbyist registration changes:
New Registrations:<...>



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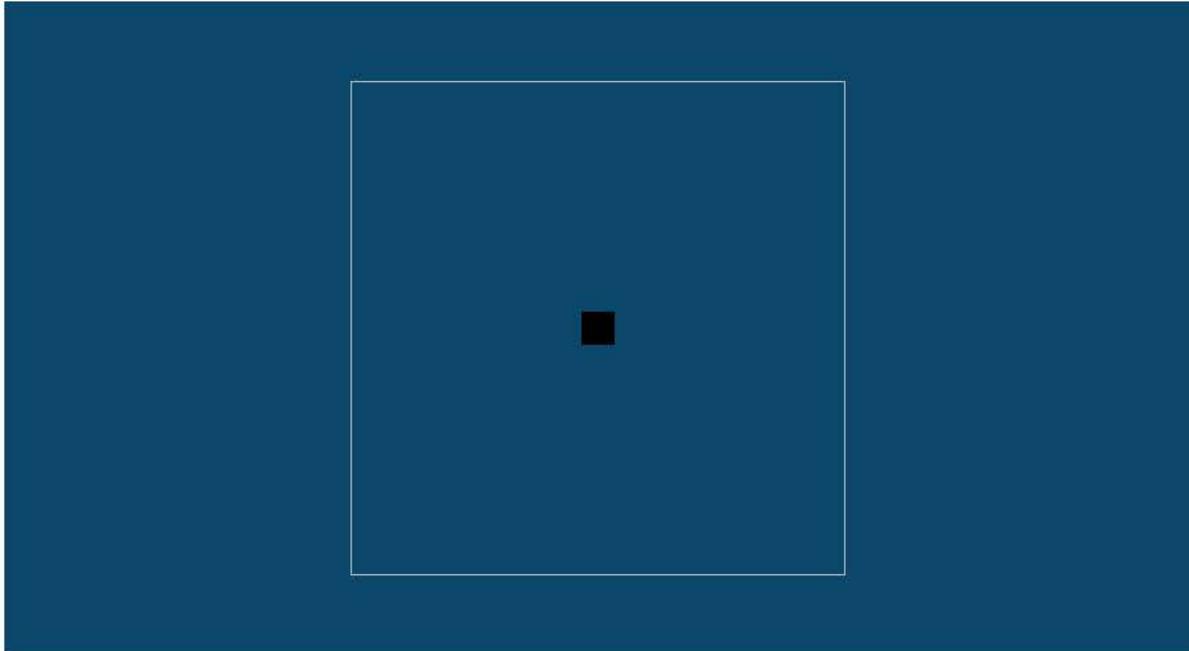
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To: [Julie Pfeiffer](#)
Subject: HANNAH NEWS UPDATE: Supreme Court Orders 'Heartbeat' Parties to File Briefs on Issue 1
Date: Thursday, November 16, 2023 3:29:07 PM



Thursday, November 16, 2023

HANNAH NEWS UPDATE: Supreme Court Orders 'Heartbeat' Parties to File Briefs on Issue 1

Attorneys involved in "heartbeat" abortion case *Preterm-Cleveland v. Yost* must file briefs on the passage of Issue 1 in the next three weeks, the Ohio Supreme Court ordered Thursday. Read more in Thursday's *Hannah Report*.

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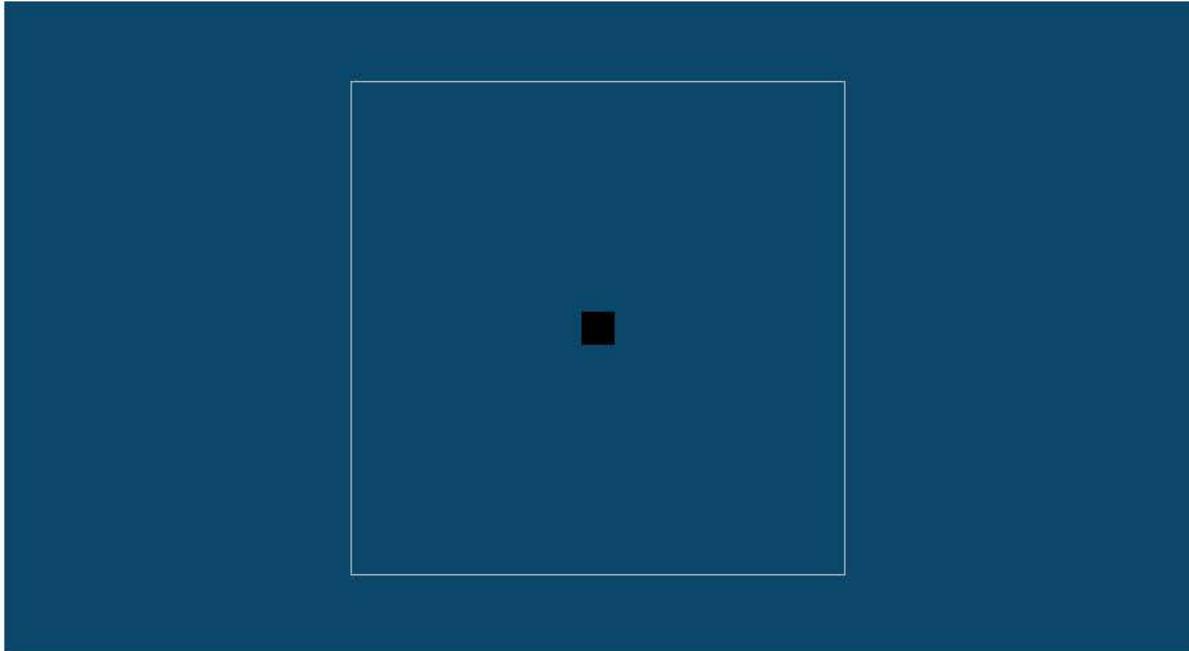
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To: [Julie Pfeiffer](#)
Subject: Hannah News Stories for Thursday, November 9, 2023
Date: Thursday, November 9, 2023 8:11:05 PM



Thursday, November 9, 2023

IN TODAY'S HANNAH REPORT

House Sets First Half Sessions for 2024

The House has just seven sessions set for the first six months of 2024, although other tentative dates are on the calendar, according to a schedule ...

DeWine Turns to Dackin for DEW Role; Criss to Depart Cabinet for OSU

Steve Dackin is back atop the state K-12 education agency after a very brief stint last year cut short by an ethics inquiry. Gov. Mike DeWine said T...

DeWine Says Majority of Ohioans in 'Middle' on Abortion; Details 'Goals' for Issue 2

Gov. Mike DeWine told reporters Thursday the results of Issues 1 and 2 will "certainly" be accepted in the state, while also saying the majority of ...

Physicians in House Dem Caucus Announce Reproductive Care Bill

Two doctors in the House Democratic Caucus quickly followed Tuesday's passage of the reproductive and abortion rights amendment in Issue 1 with the ...

Big Issue 1 Win Doesn't Necessarily Mean Ohio GOP in Trouble in

2024, Analysts Say

The Buckeye State isn't necessarily becoming more competitive in partisan elections even though the reproductive/abortion rights amendment won by a ...

❑ **Impact Ohio Panel Doesn't See Huge Changes to Marijuana Language after Issue 2 Passage**

Because Ohio already has a robust medical marijuana program and because the new recreational marijuana program builds off that existing regulatory i...

❑ **Lanese Hosts Inaugural Symposium for Military-Connected Students**

Inter-University Council (IUC) of Ohio President and CEO Laura Lanese Thursday hosted the inaugural symposium for military-connected students ahead ...

❑ **Voters OK 115 of 167 School Funding Issues**

Ohio voters approved 69 percent of school funding requests on the Tuesday ballot, according to data compiled by the Ohio School Boards Association (...)

❑ **Yost Certifies Resubmitted Redistricting Amendment**

Attorney General Dave Yost Thursday certified the petition summary language of a resubmitted constitutional amendment that would create a citizens' ...

❑ **DeWine, Ashenurst Recognize 20 Inductees to Veterans Hall of Fame**

Gov. Mike DeWine and Ohio Department of Veterans Services (ODVS) Director Deborah Ashenurst took part Thursday in recognizing this year's 20 induct...

❑ **Campaign Corner: ODP; Recycling; Moreno**

ODP Announces 2024 DNC Delegate Selection Process The Ohio Democratic Party (ODP) this week announced that the 2024 Democratic National Co...

❑ **People in the News: Davis**

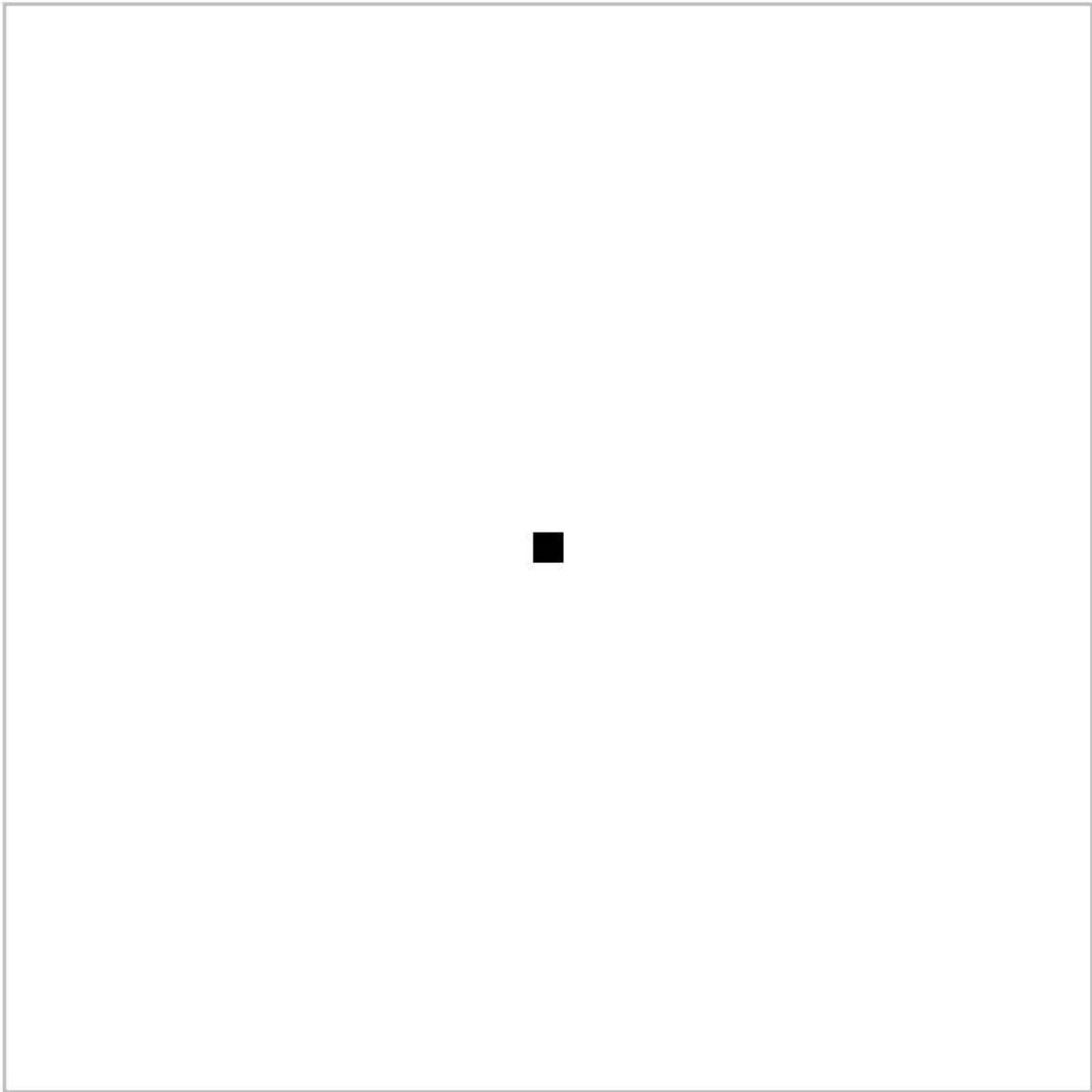
Former Rep. Davis to Lead Ohio Legislative Black Caucus Foundation Former state Rep. Shalya Davis has been selected as the new president ...

❑ **Judicial Actions: Opinions**

Ohio Supreme Court Opinions State v. Daniel , 2022-0603 Criminal law -- Constitutional law -- Separation of powers -- Arson...

❑ **JLEC Registration Changes for November 09, 2023**

Recent legislative agent and executive agency lobbyist registration changes:
New Registrations:<...>



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From: [Hannah Hundley](#)
To: [Section Chiefs and Above](#); [Policy And Public Affairs](#); [Internal News Subscribers](#)
Subject: News Clips 11/08
Date: Wednesday, November 8, 2023 8:31:09 AM

 **Michigan Advance** • USA • Nov 8 • 06:58 AM 

Ohio voters pass Issue 1 constitutional amendment to protect abortion and reproductive rights

... national legalization of abortion in Roe v. Wade. That day, **Ohio Attorney General Dave Yost** moved to get the six-week ban released from its ...

 **Detroit Legal News** • USA • Nov 8 • 06:46 AM 

Anti-Robocall Multistate Litigation Task Force issues warning letters to eight VoIP providers

... hosted the Second Annual Robocall Summit along with Ohio AG **Dave Yost**. The summit highlighted the problem of robocalls, what Michigan ...

 **WCMH-TV** • USA • Nov 8 • 05:30 AM 

What Issue 1's passage means for the future of abortion in Ohio

... a policy analysis released in the weeks before Nov. 7, **Attorney General Dave Yost** claimed many laws would "probably be invalidated" under ...



Fox 8 News • USA • Nov 8 • 05:21 AM



Abortion is now protected under the Ohio Constitution — what happens next?

...," the amendment reads. Aside from the Heartbeat Act, **Attorney General Dave Yost**'s office foresees other potential legal challenges of ...



The Epoch Times • USA • Nov 8 • 04:57 AM



Judge Blocks Biden's COVID-19 Vaccine Mandate for Federal Contractors

This is not about vaccines, it's about the mandates," **Ohio Attorney General Dave Yost**, a Republican, said in a statement. "The judge' ...



Breaking Latest News • USA • Nov 8 • 04:05 AM



Ohio Voters Protect Abortion Rights with Issue 1 Win

... 's right to choose. Amidst the campaign against Issue 1, **Ohio Attorney General Dave Yost** and other prominent Republicans paid for ...



U.S. News & World Report • USA • Nov 7 • 11:59 PM



Ohio Votes to Guarantee Abortion Rights

... , said on social media after the state attorney general, **Dave Yost**, said the story of the girl was likely a "fabrication" and ...



[Cleveland.com](#) • USA • Nov 7 • 11:49 PM



Voters keep Earle Turner as Cleveland's municipal clerk of courts

... [cleveland.com](#) article that found the clerk's office and the [Ohio Attorney General](#) pursued decades-old parking tickets in violation of an ...



[WCBE-FM](#) • USA • Nov 7 • 11:31 PM



Ohioans vote to put abortion and reproductive rights in the state's constitution

... would eliminate parental rights, but even Republican [Attorney General Dave Yost](#), who campaigned against Issue 1, said in a legal ...



[newsexplorer.net](#) • USA • Nov 7 • 10:27 PM



El estado republicano de Ohio blinda en las urnas el derecho al aborto

... , sin tener en cuenta su viabilidad". El fiscal general de Ohio, [Dave Yost](#), entre otros destacados republicanos que han pagado costosos ...



[The Limited Times](#) • USA • Nov 7 • 10:10 PM



The Republican state of Ohio shields abortion rights at the ballot box

... pregnancy, without taking into account its feasibility." [Ohio Attorney General Dave Yost](#), among other prominent Republicans who have ...



[The Spokesman-Review](#) • USA • Nov 7 • 09:41 PM



Ohio Issue 1 passes, protecting abortion rights in the Republican state

... and debunked by the state's conservative attorney general, [Dave Yost](#). "Kids should not be allowed to have gender-reassignment ...



[USA News Hub](#) • USA • Nov 7 • 09:31 PM



Abortion rights triumph again in Ohio

... Gov. Mike DeWine, Secretary of State Frank LaRose and [Attorney General David Yost](#) — worked to quash support for abortion rights. Looking ...



[Cleveland.com](#) • USA • Nov 7 • 09:28 PM



Earle Turner strikes early lead in bid to keep Cleveland municipal clerk of courts job

... a [cleveland.com](#) story that found the clerk's office and the [Ohio Attorney General](#) pursued decades-old parking tickets in violation of an ...



[Romulans](#) • USA • Nov 7 • 09:23 PM



Ohio Issue 1: Controversial abortion ballot measure passes Felicia Jordan — News

... and current Ohio laws will still be on the books. [Ohio Attorney General Dave Yost](#) previously released a legal analysis on Issue 1 ...



WCPO-TV • USA • Nov 7 • 09:21 PM



Ohio Issue 1: Controversial abortion ballot measure passes

... and current Ohio laws will still be on the books. **Ohio Attorney General Dave Yost** previously released a legal analysis on Issue 1 ...



Axios • USA • Nov 7 • 09:17 PM



Ohio votes to protect abortion rights

... the Ohio Supreme Court. Yes, but: Republican state **Attorney General Dave Yost** insists legal questions surrounding the amendment still ...



Marijuanamoment • USA • Nov 7 • 09:15 PM



Ohio Voters Approve Marijuana Legalization Ballot Initiative, Making It The 24th State To End Prohibition

... could bring in \$404 million in annual tax revenue . **Attorney General Dave Yost** (R), meanwhile, published an analysis of the ...



WDTN-TV • USA • Nov 7 • 09:05 PM



Issue 1 passed. Now what?

... after 20 weeks post-fertilization. Back in October, **Ohio Attorney General David Yost** provided a legal analysis of Issue 1 which ...

Breitbart News Network • USA • Nov 7 • 09:01 PM





Ohioans Pass Issue 1, Codify 'Right' to Abortion in State Constitution

...,” said Jessie Hill, an attorney for the ACLU of Ohio. [Ohio Attorney General Dave Yost](#) published his own legal analysis of Issue 1 and ...



[WXIX-TV](#) • USA • Nov 7 • 07:50 PM

Search for answers renews after man's body found 30+ years ago

... any information always helps,” said Weber. The [Ohio Bureau of Criminal Investigation](#) is also investigating this case. Call the ...



[Cleveland.com](#) • USA • Nov 7 • 07:02 PM

Ohio Supreme Court justice sues state officials over law requiring party affiliation on ballot

... stop the new law from affecting future ballots. She named [Ohio Attorney General Dave Yost](#) and Secretary of State Frank LaRose as ...



[newsexplorer.net](#) • USA • Nov 7 • 05:50 PM

“Issue 1” de Ohio no permite abortar en todo el embarazo; lo prohíbe si hay viabilidad fetal

... ese tema en el ‘Issue 1’, un punto que el Fiscal General de Ohio, [Dave Yost](#) (que se opone al Issue 1) destacó en su análisis legal”. Entin ...



Becker's Hospital Review • USA • Nov 7 • 05:36 PM

Former Kettering Health execs misused funds, investigation confirms

... of 2021, a pair of anonymous complaints were filed with the **Ohio attorney general's** office alleging abuse of charitable funds by Fred ...



The Daily Wire • USA • Nov 7 • 05:09 PM

'Big Abortion Won': Ohio Voters Add Abortion To State Constitution

... s not, we create a culture of death," he said. Previously, **Ohio Attorney General Dave Yost**, a Republican, has said that, if passed, Issue ...



Bloomberg Tax • USA • Nov 7 • 04:55 PM

Democratic Ohio Justice Sues Over Party Affiliations on Ballots

... 2026. Current Secretary of State Frank LaRose (R) and **Attorney General Dave Yost** (R) were named as defendants, as was the Board of ...



Bloomberg BNA - Bloomberg Law • USA • Nov 7 • 04:55 PM

Democrat Ohio Justice Sues Over Party Affiliation on Ballot (1)

... office. Current Secretary of State Frank LaRose (R) and **Attorney General Dave Yost** (R) were named as defendants, as was the Ohio Board of ...



News Pub • USA • Nov 7 • 03:23 PM



5 things to know about Ohio's controversial constitutional amendment on abortion before Election Day

... for this," DeWine added. Ohio's Republican attorney general, [Dave Yost](#), published a report on what he believes a "Yes" vote would mean ...



[The Mount Vernon Grapevine](#) • USA • Nov 7 • 03:07 PM

Endangered Missing Adult Alert for Victor Rivas

Vehicle pictured in NOT specific vehicle missing [Ohio Attorney General](#) Missing Persons Unit Call 911 or Contact STARK COUNTY ...



[Yahoo! News](#) • USA • Nov 7 • 02:38 PM

Investigation at Kettering Health finds financial impropriety

... containing a pair of anonymous complaints filed with the [Ohio Attorney General's](#) Office alleging "abuse of charitable funds."The ...



[Yahoo! News](#) • USA • Nov 7 • 02:35 PM

Don't answer these 5 area codes; how to spot scam calls

... are some red flags that you may be getting scammed from the [Ohio Attorney General's](#) [office](#).[You](#) are pressured to act immediately.Payment is ...



[WOIO-TV](#) • USA • Nov 7 • 01:44 PM

Unidentified: man gunned down behind apartment remains John Doe nearly 40 years later

... they are that they were known. They had a history,” said [Ohio Attorney General Dave Yost](#). Under Yost, [Ohio BCI's Cold Case Unit](#) is ...



[Fox News Channel](#) • USA • Nov 7 • 11:46 AM

Apartment maintenance worker accused of killing girl, 15, who lived in complex

Ohio faced with 'extraordinary surge' of missing children [Ohio Attorney General Dave Yost](#) warns of depleted police resources as over 1,000 ...



[WXIX-TV](#) • USA • Nov 7 • 11:34 AM

Sentencing date set for ex-Cincinnati Councilman Jeff Pastor in corruption case

... remained free on his own recognizance throughout the case. [Ohio Attorney General Dave Yost](#) filed a request with the Ohio Supreme Court in ...



[The Patriot Post](#) • USA • Nov 7 • 10:39 AM

'Separation of Church and State' Myths and the Ohio Issue 1 Abortion Battle

... first. So, what does this mean in real life? According to [Ohio Attorney General Dave Yost](#) (R), this amendment would allow post-viable ...



[Family Research Council](#) • USA • Nov 7 • 08:15 AM

Tommy Tuberville, Tom Cotton, Dave Yost, Ryan Walters, Mike Davis

... rise in anti-Semitism on college campuses in the United States. [Dave Yost](#), [Ohio Attorney General](#), encourages Ohio voters to protect life ...



[Cincinnati Enquirer](#) • USA • Nov 7 • 07:39 AM

Abortion and marijuana: What you need to know about Ohio Issue 1 and Issue 2

... state Supreme Court to greatly expand those rights. [Attorney General Dave Yost's](#) office, on the other hand, said "there is no ...



[Scripps News](#) • USA • Nov 7 • 07:23 AM

Republican-leaning Ohio could reestablish right to abortion with vote

... unclear what would happen if the courts overturn the law. [Ohio Attorney General David Yost](#) has represented the state in trying to get the ...



[Akron Beacon Journal](#) • USA • Nov 7 • 06:05 AM

Akron voters approved creating a police review board a year ago. What's happened since?

... investigations while the police department or the [Ohio Bureau of Criminal Investigation](#) is conducting an inquiry, and, if so, whether it' ...



[Yahoo! News](#) • USA • Nov 7 • 05:29 AM

Access to abortion in Ohio: Know before you vote

What Issue 1 means for Ohio lawThe office of Republican **Attorney General Dave Yost** — an abortion opponent — has released what it calls an ...



Bctv.org • USA • Nov 7 • 05:26 AM

KU Council of Trustees Approve Honorary Doctorate for Nationally Respected Attorney Mark R. Weaver

... his work in the nation's capital, he was appointed Deputy **Attorney General of Ohio**, where he helped manage the work of an office with 1,400 ...



The Daily Wire • USA • Nov 7 • 05:22 AM

Election Day: Ohio Votes On Abortion, Kentucky Republicans Look To Flip Governorship

... would allow abortions at all stages of pregnancy. **Ohio Attorney General Dave Yost**, a Republican, has said that, if passed, Issue ...



The Washington Post • USA • Nov 7 • 05:00 AM

Ohio Issue 1 and its impact on abortion rights, explained

... Ohio Supreme Court heard oral arguments in Preterm-Cleveland v. **David Yost**, and has yet to decide whether to allow the federal judge's ...



The Chronicle-Telegram • USA • Nov 7 • 02:00 AM

North Olmsted officers fatally shoot Elyria man; BCI investigating

... morning in a case now being investigated by the **Ohio Bureau of Criminal Investigation**. North Olmsted police said officers were called ...



 **The Marietta Times** • USA • Nov 7 • 01:40 AM



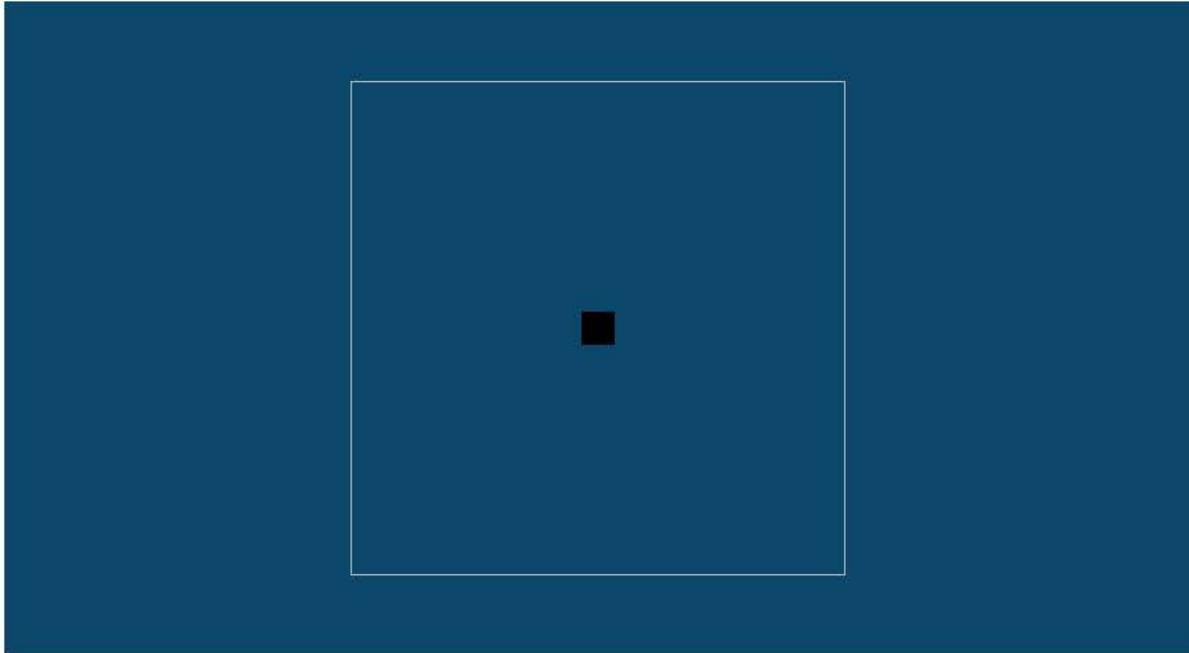
Home growers say Issue 2 opens doors

... sheriff's office has worked side by side with the **Ohio Bureau of Criminal Investigation** and has used a helicopter to make sweeps over ...

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From: report@hannah.com
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Date: Wednesday, November 8, 2023 12:37:16 AM



Tuesday, November 7, 2023

IN TODAY'S HANNAH REPORT

Ohio Voters Approve Reproductive/Abortion Rights Amendment

A little more than a year after the U.S. Supreme Court ended nationwide constitutional protections for abortion, Ohio voters enshrined an explicit r...

Issue 2 Campaign Hails 'Landslide Victory,' Calls for Legislature to 'Respect' Will of Voters

Yes on Issue 2 Campaign spokesman Tom Haren told reporters Tuesday night the result represented a "landslide victory" of Ohioans saying "they want ma...

Voting Groups Report Ohio Voters Not Receiving Absentee Ballots in Time

Voting rights groups Tuesday outlined a number of issues that have been reported to them around the state as Ohioans went to the polls to decide sta...

National Indigent Defense Leader to Become Ohio Public Defender

The vice president of the National Association of Public Defense's (NAPD) Board of Directors and assistant director of the Office of the Ohio Publi...

School Board Members Ask Judge to Overrule Magistrate, Block

DEW Transition; Websites Reflect New Roles

State Board of Education members suing over K-12 governance reforms that transferred most of their powers to the governor's cabinet are objecting to...

❑ Duke Customers Face 4.8 Percent Increase in Their Natural Gas Bill

A half million Ohio households will see a 4.8 percent increase in their natural gas bill after the Public Utilities Commission of Ohio (PUCO) approv...

❑ DOC Challenges Michigan to Unclaimed Funds Competition

Ahead of the football game between Ohio State and Michigan, the Ohio Department of Commerce (DOC) Division of Unclaimed Funds is challenging Michiga...

❑ White House Analysis Finds COVID Relief Dollars Lowered Child Care Costs for Families, Helped Women Re-enter Workforce

A new analysis by senior officials in the Biden administration shows that federal COVID relief dollars for child care programs decreased child care ...

❑ More than \$2.4 Million in Arts Grants Announced

Gov. Mike DeWine recently announced that 16 arts organizations in 12 counties will be receiving more than \$2.4 million in grants as part of the thir...

❑ State Government Roundup: Wild Turkey Hatch Results; Farmers/Hunters Feeding the Hungry

Ohio Releases 2023 Wild Turkey Hatch Results Ohio's wild turkey poult index, a metric used to estimate nest success for the popular gameb...

❑ People in the News: Rick Lucas; Matt Huffman; OFCC

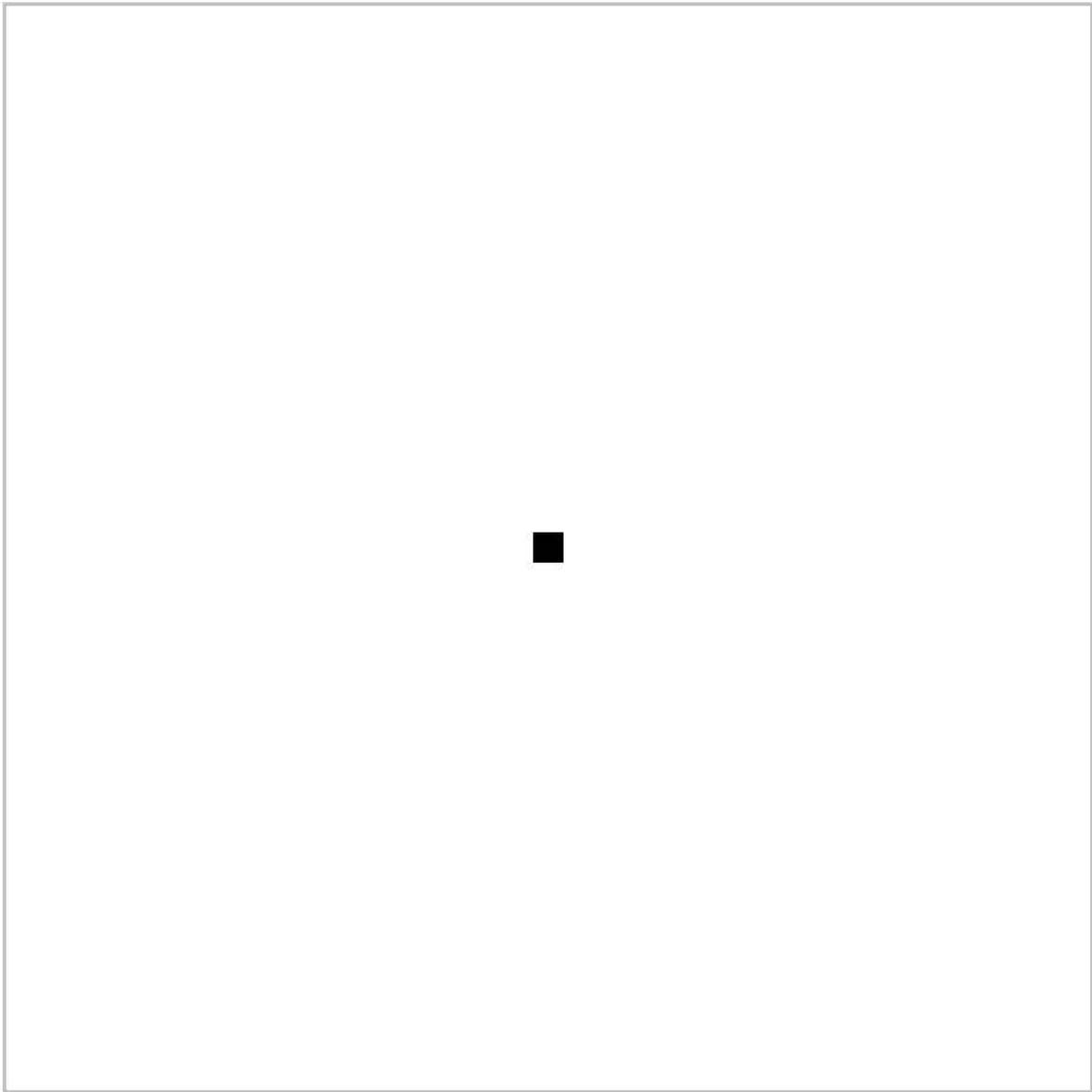
Nurses Association Announces New Leader Rick Lucas is the next president and executive director of the Ohio Nurses Association (ONA), the...

❑ Judicial Actions: Opinion; Appeals Accepted

Ohio Supreme Court Opinion State ex rel. Mobley v. Franklin County Board of Commissioners , 2023-0197 Vexatious litigators -...

❑ JLEC Registration Changes for November 07, 2023

Recent legislative agent and executive agency lobbyist registration changes:
New Registrations:<...>



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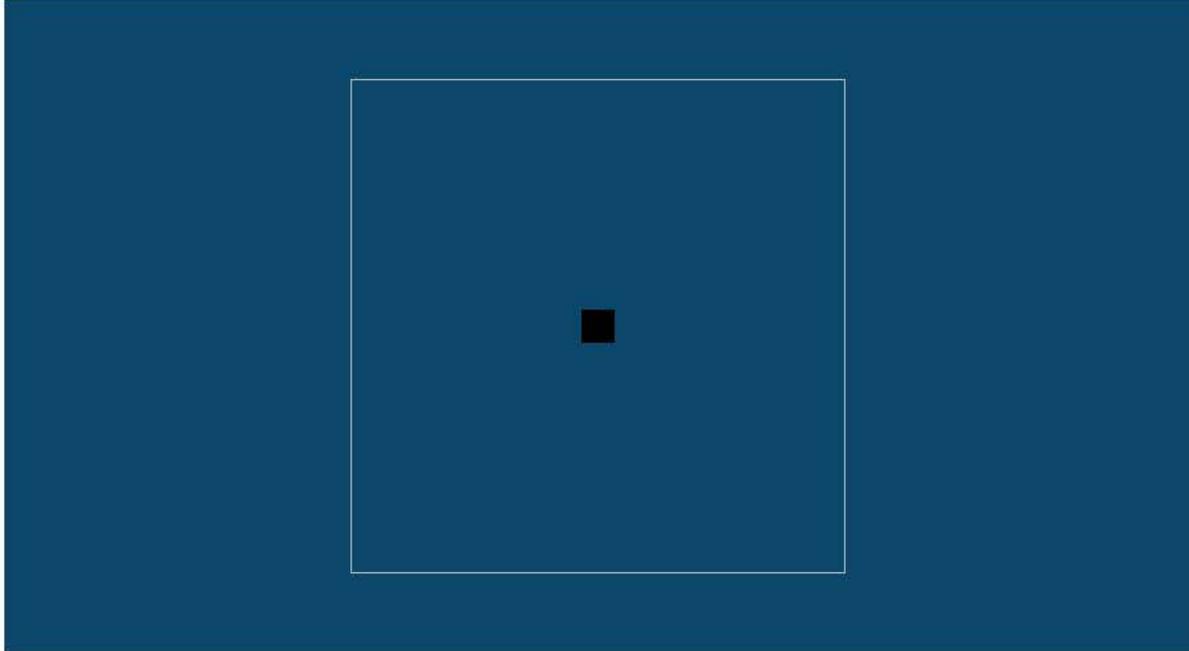
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Subject: HANNAH NEWS ELECTION NIGHT COVERAGE #3: AP Says Issue 1 Passes
Date: Tuesday, November 7, 2023 9:10:36 PM



Tuesday, November 7, 2023

HANNAH NEWS ELECTION NIGHT COVERAGE #3: AP Says Issue 1 Passes

The Associated Press just reported that Issue 1, the reproductive and abortion rights constitutional amendment, has passed.

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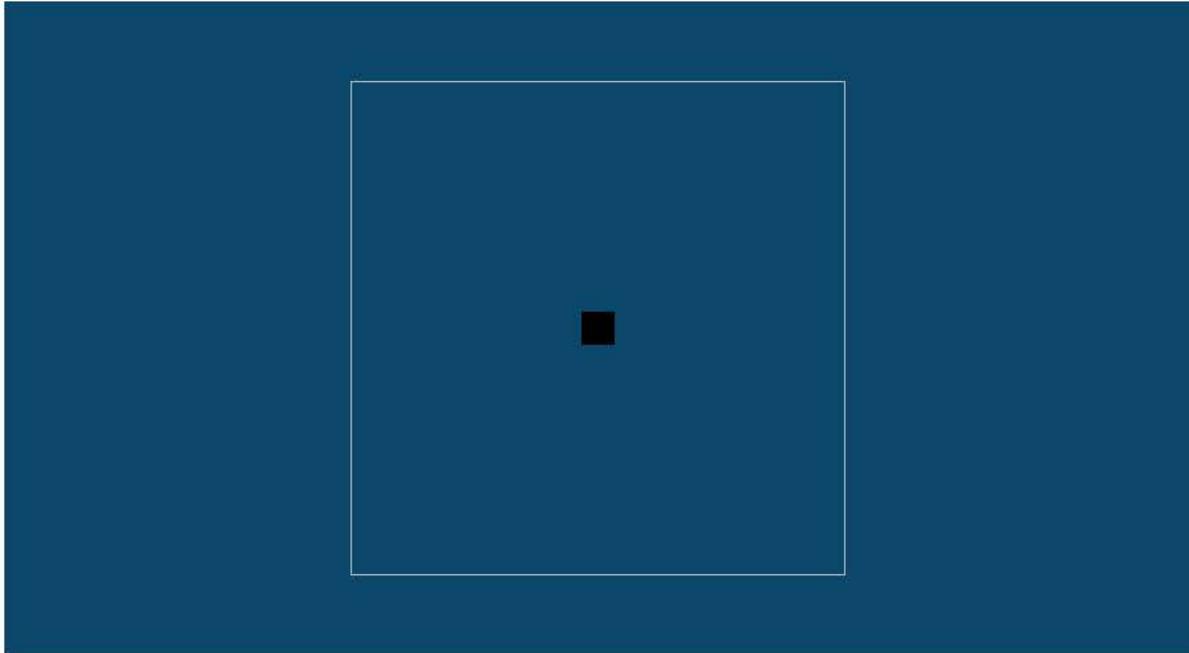
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Date: Tuesday, November 7, 2023 8:50:57 PM



Tuesday, November 7, 2023

Hannah Election Night Coverage #2: Issues 1, 2 Continue Leading with 1 Million Votes Counted

With more than 1 million votes counted, both Issues 1 and 2 continue to pass: Issue 1, the reproductive and abortion rights constitutional amendment, with 58.9 percent of the vote and Issue 2, the adult use of marijuana initiated statute, with nearly 55.2 percent of the vote.

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From: [Ara Mekhjian](#)
To: [Katherine Bockbrader](#); [Melinda Ryans Snyder](#)
Subject: Issue 1-related litigation
Date: Thursday, November 9, 2023 2:03:00 PM

Another litigation cycle begins.

Nearly 36 Ohio Anti-Abortion Laws Now Face Scrutiny

Courts will likely review **upward of three dozen anti-abortion laws** passed in Ohio now that voters approved the Issue 1 constitutional amendment protecting reproductive and abortion rights, Cleveland.com reports. And already one judge has ordered briefs in the transfer agreements case -- one of six pending lawsuits challenging those laws.

<https://www.cleveland.com/news/2023/11/now-that-issue-1-has-passed-which-of-ohios-dozens-of-abortion-laws-will-be-challenged-first.html>

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