

# OHIO ISSUES REPORT

STATE ISSUE BALLOT INFORMATION FOR THE  
NOVEMBER 4, 2008 GENERAL ELECTION



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Greetings,

This publication gives Ohioans an opportunity to review the full text and ballot language of the state issues that will appear on the November 4, 2008 ballot. This publication also provides an opportunity for Ohioans to consider the explanations for and compare the arguments in favor and against the issue.

The bipartisan Ohio Ballot Board prescribed the ballot language for the issues and approved the explanations for Issues 1-3. The arguments and/or explanations for and against each issue were prepared by either persons appointed by the committees representing the petitioners, persons appointed by the General Assembly pursuant to Article II, Section 1g of the Ohio Constitution or the Ohio Ballot Board, in the absence of any submission in opposition to the issue as required by Ohio Revised Code Section 3505.063(B).

We urge all Ohioans to study the issues carefully before voting. Please remember to bring a valid and current form of identification when you go to vote at the polls.



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Voters should note that at the time of printing, Issues 5 and 6 had not yet been certified for the November 4th ballot. Also note that Issue 4 was withdrawn by the petitioners' committee and will *not* appear on the November 4th ballot.

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**OHIO BALLOT BOARD**

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Secretary of State Jennifer Brunner

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Senator Shirley Smith  
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## Official Ballot Language

### **1 PROPOSED CONSTITUTIONAL AMENDMENT**

#### **TO PROVIDE FOR EARLIER FILING DEADLINES FOR STATEWIDE BALLOT ISSUES**

(Proposed by Joint Resolution of the General Assembly of Ohio)

**To amend Sections 1a, 1b, 1c, and 1g of Article II of the Constitution of the State of Ohio**

The proposed amendment would:

1. Require that a citizen-initiated statewide ballot issue be considered at the next general election if petitions are filed 125 days before the election.
2. Establish deadlines for boards of elections to determine the validity of citizen-initiated petitions.
3. Standardize the process for legal challenges to citizen-initiated petitions by giving the Ohio Supreme Court jurisdiction to consider these cases and establishing expedited deadlines for the Court to make decisions.

A "YES" vote means approval of the amendment.

A "NO" vote means disapproval of the amendment.

A majority YES vote is required for the amendment to be adopted.

**Shall the proposed amendment be approved?**

- Yes  
 No

**Explanation**

**ISSUE #1**

**PROPOSED CONSTITUTIONAL AMENDMENT**

**TO PROVIDE FOR EARLIER FILING DEADLINES FOR STATEWIDE BALLOT ISSUES**

**(Proposed by Joint Resolution of the General Assembly of Ohio)**

**To amend Sections 1a, 1b, 1c, and 1g of Article II of the Constitution of the State of Ohio**

Purpose: The Ohio Constitution and corresponding state laws describe the processes that electors themselves can undertake to propose amendments to the constitution, to establish state laws, and to submit to the voters for their approval or rejection laws recently enacted by the Ohio General Assembly. People who seek to initiate these processes must abide by constitutional and statutory deadlines. The purpose of Amended House Joint Resolution Number 3 (HJR 3) is to change the filing deadlines for statewide ballot initiatives and referendums (sometimes called “statewide issues”).

HJR 3 Would Change Statewide Issue Petition Filing Deadlines: Most statewide issues are submitted to the electors to vote upon at a regular or general election. In order for an issue to be placed on the ballot, it must be filed with the secretary of state’s office as a petition signed by a substantial amount of supporters. Currently, petitions for proposed constitutional amendments and state laws must be filed at least 90 days before the election at which the issue is to be submitted to the electors. Referendum petitions must be filed at least 60 days before the election at which the issue is to be submitted.

HJR 3 would require that petitions for all statewide issues brought by electors be filed 125 days before the election at which the issue is to be submitted to the electors. This means that people who seek to file a petition proposing a constitutional amendment or a state law or a referendum petition must do so earlier than they currently are required. Passing HJR 3 also would mean that people who seek a referendum on any law that passes between 215 and 125 days before an upcoming regular or general election will have 90 days or less to undertake the entire referendum process if they want to ensure the placement of the issue on the ballot for the upcoming election. Any referendum petition filed after the 125-day deadline must be placed on the ballot at the regular or general election that occurs over a year later.

HJR 3 Would Change Deadlines for Verifying and Challenging the Petition: Statewide issue petitions must be signed by many electors. The secretary of state’s office and the county boards of elections check those signatures to make sure they are valid and sufficient. HJR 3 would require the secretary of state to determine if there are enough valid signatures on the petition to qualify it for placement on the ballot by the 105th day before the election.

Sometimes, however, people challenge the statewide petition and signatures on the petition. HJR 3 gives the Supreme Court of Ohio the sole authority to hear these challenges. HJR 3 also requires all challenges to be filed not later than 95 days before the election and that the Court must rule on any challenges not later than 85 days before the election. In addition, under the new amendment, if no ruling is made stating that the petition or signatures are insufficient by the 85-day deadline, the signatures are presumed to be sufficient in all respects. If there is a ruling that the petition or signatures are insufficient and additional signatures are provided, HJR 3 would require the secretary of state to determine whether those additional signatures are sufficient not later than 65 days before the election.

Challenges can be made on those additional signatures, but such challenge must be filed not later than 55 days before the day of the election. The Court must make a ruling on the additional signatures not later than 45 days before the election. Otherwise, the petition and the signatures will be presumed to be sufficient in all respects.

**If approved, this proposed amendment will be effective immediately.**

## Argument In Favor of Issue 1

### Support State Issue 1

A YES vote on Issue 1 saves taxpayer dollars, helps build voter confidence in elections, and eases elections administration.

Issue 1 makes necessary, cost-saving improvements to elections deadlines for statewide ballot issues and should be approved for the following reasons:

- ✓ **ISSUE 1 PREVENTS WASTE OF TAXPAYER DOLLARS.** In 2007, taxpayers paid more than \$300,000 to advertise information about a ballot issue that ultimately did not qualify for the ballot. Additional expenditures were incurred by local boards of elections to verify signatures. Issue 1 helps prevent this wasteful spending of taxpayer dollars from occurring in the future by establishing firm deadlines for the administration of state ballot issues and resolving legal challenges.
- ✓ **ISSUE 1 HELPS MAINTAIN VOTER CONFIDENCE IN ELECTIONS.** Only statewide issues that qualify for voter consideration should be printed on the ballot. During the last two general elections, however, litigation had not concluded at the time ballots had to be printed so voters considered issues that were ultimately not counted. Issue 1's new deadlines helps maintain voter confidence in elections by preventing this waste from occurring.
- ✓ **ISSUE 1 PROMOTES EFFICIENT AND EFFECTIVE ELECTIONS.** Issue 1 establishes clear timelines for filing and reviewing statewide issues petitions, and for filing legal challenges to those petitions. This helps ensure smoother and more efficient elections.

By improving filing deadlines for petitions and streamlining the legal process, Issue 1 will help prevent voter confusion and promote more efficient elections. Vote YES on Issue 1.

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Submitted by: Ohio State Representatives Jon Peterson and Dan Stewart, the group appointed by the Ohio General Assembly to prepare the argument for Issue 1.

## Argument Against Issue 1

### Vote NO on Issue #1

#### Issue #1 creates delays in new laws taking effect.

The Constitution reserves to the People the power to propose laws, amendments to the constitution, and to approve or reject laws passed by the legislature. Issue #1 creates earlier filing deadlines which can cause a referendum petition to effectively delay for months the effective date of a law passed by the legislature. This is because the deadline for filing a referendum petition depends on when the law being referred to the voters was passed by the legislature. If the deadline to file the petition is after the new proposed deadline in the Constitution, the law referred by the petition won't be able to be on the ballot until the next election, which could be over a year away.

The immediate effect of the filing of a referendum petition is to stop the law from going into effect until voters decide the issue at the ballot. State Issue #1 gives people with the money to circulate petitions for hundreds of thousands of signatures increased power over the state legislature to delay laws passed from going into effect for months or even more than a year.

#### Issue #1 means More Expensive State Issue Campaigns.

The delays caused by Issue #1 can be expensive. Putting the issues off so long may mean that large amounts of money will have to be spent to get the attention of voters. Millions of dollars are already being spent for issues that are fresh in the voters' minds. More money is likely to be spent to inform voters when the issue is stale. With these powers reserved to the People, this proposed amendment makes it even more expensive and difficult for ordinary citizens to undertake the efforts to speak through the state initiative and referendum process.

#### Vote NO on Issue #1.

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Prepared by the Ohio Ballot Board in the absence of any submission in opposition, as required by Ohio Revised Code Section 3505.063(B).

**Full text of the proposed  
amendment to the Constitution**

**(127th General Assembly)  
(Amended House Joint Resolution Number 3)**

**JOINT RESOLUTION**

**Proposing to amend Sections 1a, 1b, 1c, and 1g of Article II of the Constitution of Ohio to require an initiative or referendum to be placed on the ballot at the first regular or general election conducted more than one hundred twenty-five days after the petition is filed and to revise other deadlines relative to the filing of those petitions.**

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 4, 2008, a proposal to amend Sections 1a, 1b, 1c, and 1g of Article II of the Constitution of Ohio to read as follows:

**ARTICLE II.**

Section 1a. The first aforesaid power reserved by the people is designated the initiative, and the signatures of ten per centum of the electors shall be required upon a petition to propose an amendment to the constitution. When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary of state, and verified as herein provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors, the proposed amendment, in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to ~~ninety~~ one hundred twenty-five days after the filing of such petition. The initiative petitions, above described, shall have printed across the top thereof: "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors."

Section 1b. When at any time, not less than ten days prior to the commencement of any session of the general assembly, there shall have been filed with the secretary of state a petition signed by three per centum of the electors and verified as herein provided, proposing a law, the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the general assembly as soon as it convenes. If said proposed law shall be passed by the general assembly, either as petitioned for or in an amended form, it shall be subject to the referendum. If it shall not be passed, or if it shall be passed in an amended form, or if no action shall be taken thereon within four months from the time it is received by the general assembly, it shall be submitted by the secretary of state to the electors for their approval or rejection ~~at the next regular or general election~~, if such submission shall be demanded by supplementary petition verified as herein provided and signed by not less than three per centum of the electors in addition to those signing the original petition, which supplementary petition must be signed and filed with the secretary of state within ninety days after the proposed

law shall have been rejected by the general assembly or after the expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the general assembly shall have been filed by the governor in the office of the secretary of state. The proposed law shall be submitted at the next regular or general election occurring subsequent to one hundred twenty-five days after the supplementary petition is filed in the form demanded by such supplementary petition, which form shall be either as first petitioned for or with any amendment or amendments which may have been incorporated therein by either branch or by both branches, of the general assembly. If a proposed law so submitted is approved by a majority of the electors voting thereon, it shall be the law and shall go into effect as herein provided in lieu of any amended form of said law which may have been passed by the general assembly, and such amended law passed by the general assembly shall not go into effect until and unless the law proposed by supplementary petition shall have been rejected by the electors. All such initiative petitions, last above described, shall have printed across the top thereof, in case of proposed laws: "Law Proposed by Initiative Petition First to be Submitted to the General Assembly." Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors. Any proposed law or amendment to the constitution submitted to the electors as provided in 1a and 1b, if approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which it was approved and shall be published by the secretary of state. If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law, or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the electors shall be subject to the veto of the governor.

Section 1c. The second aforesaid power reserved by the people is designated the referendum, and the signatures of six per centum of the electors shall be required upon a petition to order the submission to the electors of the state for their approval or rejection, of any law, section of any law or any item in any law appropriating money passed by the general assembly. No law passed by the general assembly shall go into effect until ninety days after it shall have been filed by the governor in the office of the secretary of state, except as herein provided. When a petition, signed by six per centum of the electors of the state and verified as herein provided, shall have been filed with the secretary of state within ninety days after any law shall have been filed by the governor in the office of the secretary of state, ordering that such law, section of such law or any item in such law appropriating money be submitted to the electors of the state for their approval or rejection, the secretary of state shall submit to the electors of the state for their approval or rejection such law, section or item, in the manner herein provided, at the next succeeding regular or general election in any year occurring subsequent to ~~sixty~~ one hundred twenty-five days after the filing of such petition, and no such law, section or item shall go into effect until and unless approved by a majority of those voting upon the same. If, however, a referendum petition is filed against



any such section or item, the remainder of the law shall not thereby be prevented or delayed from going into effect.

Section 1g. Any initiative, supplementary, or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative, supplementary, or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence. A signer residing outside of a municipality shall state the county and the rural route number, post office address, or township of his residence. A resident of a municipality shall state the street and number, if any, of his residence and the name of the municipality or post office address. The names of all signers to such petitions shall be written in ink, each signer for himself. To each part of such petition shall be attached the statement of the circulator, as may be required by law, that he witnessed the affixing of every signature. The secretary of state shall determine the sufficiency of the signatures not later than one hundred five days before the election.

The Ohio supreme court shall have original, exclusive jurisdiction over all challenges made to petitions and signatures upon such petitions under this section. Any challenge to a petition or signature on a petition shall be filed not later than ninety-five days before the day of the election. The court shall hear and rule on any challenges made to petitions and signatures not later than eighty-five days before the election. If no ruling determining the petition or signatures to be insufficient is issued at least eighty-five days before the election, the petition and signatures upon such petitions shall be presumed to be in all respects sufficient; unless not later than forty days before the election, it shall be otherwise proved and in such event,

If the petitions or signatures are determined to be insufficient, ten additional days shall be allowed for the filing of additional signatures to such petition. ~~No~~ If additional signatures are filed, the secretary of state shall determine the sufficiency of those additional signatures not later than sixty-five days before the election. Any challenge to the additional signatures shall be filed not later than fifty-five days before the day of the election. The court shall hear and rule on any challenges made to the additional signatures not later than forty-five days before the election. If no ruling determining the additional signatures to be insufficient is issued at least forty-five days before the election, the petition and signatures shall be presumed to be in all respects sufficient.

No law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving an affirmative majority of the votes cast thereon, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency. Upon all initiative, supplementary, and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each

of one-half of the counties of the state, petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county. A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law, section, or item, submitted to the electors by referendum petition, may be named in such petition and the persons who prepare the argument or explanation, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section, or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by the general assembly, if in session, and if not in session then by the governor. The law, or proposed law, or proposed amendment to the constitution, together with the arguments and explanations, not exceeding a total of three hundred words for each, and also the arguments and explanations, not exceeding a total of three hundred words against each, shall be published once a week for three consecutive weeks preceding the election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published. The secretary of state shall cause to be placed upon the ballots, the ballot language for any such law, or proposed law, or proposed amendment to the constitution, to be submitted. The ballot language shall be prescribed by the Ohio ballot board in the same manner, and subject to the same terms and conditions, as apply to issues submitted by the general assembly pursuant to Section 1 of Article XVI of this constitution. The ballot language shall be so prescribed and the secretary of state shall cause the ballots so to be printed as to permit an affirmative or negative vote upon each law, section of law, or item in a law appropriating money, or proposed law, or proposed amendment to the constitution. The style of all laws submitted by initiative and supplementary petition shall be: "Be it Enacted by the People of the State of Ohio," and of all constitutional amendments: "Be it Resolved by the People of the State of Ohio." The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor. The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved.

#### EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, Sections 1a, 1b, 1c, and 1g of Article II amended by this proposal shall take immediate effect, and existing Sections 1a, 1b, 1c, and 1g of Article II of the Constitution of Ohio are repealed from that effective date.

## Official Ballot Language

### **2 PROPOSED CONSTITUTIONAL AMENDMENT**

#### **TO AUTHORIZE THE STATE TO ISSUE BONDS TO CONTINUE THE CLEAN OHIO PROGRAM FOR ENVIRONMENTAL REVITALIZATION AND CONSERVATION**

(Proposed by Joint Resolution of the General Assembly of Ohio)

**To adopt Section 2q of Article VIII of the Constitution of the State of Ohio**

This proposed amendment would:

1. Authorize the state to issue up to two hundred million dollars (\$200,000,000) of bonds for conservation and preservation of natural areas, open spaces and farmlands and other lands devoted to agriculture, including by acquiring land or interests in land; provision of state and local park and recreation facilities, and other actions that permit and enhance the availability, public use and enjoyment of natural areas in the state; and land, forest, water and other natural resource management projects.
2. Authorize the state to issue bonds up to two hundred million dollars (\$200,000,000) for environmental revitalization and re-development of publicly and privately owned lands, including environmental remediation, assessment or clean up of contamination or pollution.
3. Limit the amount that could be borrowed in any one fiscal year for either conservation or revitalization purposes to no more than fifty million dollars (\$50,000,000) plus the principal amount of those obligations that in any prior fiscal year could have been but were not issued.

If adopted, this amendment shall take effect immediately.

A "YES" vote means approval of the amendment.

A "NO" vote means disapproval of the amendment.

A majority YES vote is required for the amendment to be adopted.

**Shall the proposed amendment be approved?**

- Yes  
 No

**Explanation**

**ISSUE #2  
PROPOSED CONSTITUTIONAL AMENDMENT  
TO AUTHORIZE THE STATE TO ISSUE BONDS TO CONTINUE THE CLEAN OHIO PROGRAM FOR  
ENVIRONMENTAL REVITALIZATION AND CONSERVATION**

**(Proposed by Joint Resolution of the General Assembly of Ohio)**

**To adopt Section 2q of Article VIII of the Constitution of the State of Ohio**

Purpose: House Joint Resolution Number 5 (HJR 5) would be for the public purposes of conservation and revitalization in the natural areas and agricultural lands in Ohio.

HJR 5 Would Authorize the State to Raise Money for Conservation Purposes: Under HJR 5, the state can raise not more than two hundred million dollars (\$200,000,000) of bonds and obligations for conservation purposes. Conservation purposes include:

- Conservation and preservation of natural areas, open spaces, and farmlands, and other lands devoted to agriculture, including by acquiring land or interests in land.
- Making provisions for state and local park and recreation facilities, and undertaking other activities that will permit and enhance the availability, public use, and enjoyment of natural areas and open spaces in Ohio.
- Conservation and preservation of land, forest, water, and other natural resource management projects.

Not more than fifty million dollars (\$50,000,000) principal amount of those obligations, plus the principal amount of those obligations that in any prior fiscal year could have been but were not issued within the limit, may be issued in any fiscal year.

HJR 5 Would Authorize the State to Raise Money for Revitalization Purposes: Under HJR 5, the state can raise not more than two hundred million dollars (\$200,000,000) of bonds and obligations for revitalization purposes. Revitalization purposes include:

- Providing for and enabling the environmentally safe and productive development and use or reuse of publicly and privately owned lands, including those within urban areas, by the remediation or clean up or planning and assessment for remediation or clean up, of contamination or addressing, by clearance, land acquisition or assembly, infrastructure, or otherwise, that or other property conditions or circumstances that may be harmful to the public and safety and the environment and water and other natural resources, or that preclude or inhibit environmentally sound or economic use or reuse of the property.

Not more than fifty million dollars (\$50,000,000) principal amount of those obligations, plus the principal amount of those obligations that in any prior fiscal year could have been but were not issued within the limit, may be issued in any fiscal year.

Refunding or Retiring Debt: Each state obligation issued according to this proposed amendment must mature not later than the 31st day of December of the 25th calendar year after its issuance, except that obligations issued to refund or retire other obligations shall mature not later than the 31st day of December of the 25th calendar year after the year in which the original obligation to pay was issued or entered into.

Authority of General Assembly under HJR 5: The Ohio General Assembly may enact laws for the issuance of bonds and other obligations of the state for the purpose of paying costs of projects implementing those purposes. The General Assembly may also enact laws that prohibit or restrict the granting or lending of proceeds of obligations issued for revitalization purposes to parties to pay clean up costs or remediation of contamination for which they are determined to be responsible.

**If approved, this proposed amendment will be effective immediately.**

## Argument In Favor of Issue 2

### Continue Clean Ohio VOTE YES for ISSUE 2

*Voting Yes for Issue 2 to continue Clean Ohio protects clean water, creates jobs, conserves natural habitat, preserves family farms and **DOES NOT RAISE TAXES.***

**Voting YES** for Issue 2 continues the Clean Ohio Fund – a highly successful conservation, preservation and revitalization effort critical to Ohio’s new job stimulus package. **ISSUE 2 WILL NOT RAISE TAXES.**

**Voting YES** for Issue 2 continues the good work Clean Ohio is doing. For example, Clean Ohio has helped Cincinnati clean up eight abandoned, polluted industrial sites...an effort that will create nearly 14,000 jobs and produce an economic impact of over \$1 billion when completed.

...and this is just one example. *Clean Ohio has made a difference in nearly every county in Ohio.*

Clean Ohio is creating tens-of-thousands of permanent jobs and generating millions in new revenues for communities across Ohio.

#### **Voting YES for Issue 2 will...**

- Keep our drinking water clean & safe
- Clean up and redevelop polluted abandoned industrial sites
- Protect our lakes, rivers and streams
- Conserve wildlife habitat
- Preserve working family farms
- Expand outdoor recreational opportunities
- Create new jobs and economic development
- Ensure that our children and grandchildren can enjoy Ohio’s land, water, and natural habitats – *now and for generations to come.*

**YES for Issue 2** has received broad bi-partisan support. Governor Strickland, Senators Voinovich and Brown, Senate President Harris, House Speaker Husted and elected officials and organizations across Ohio all urge a **YES** Vote on Issue 2.

*Continued on next page*

## Argument Against Issue 2

### Vote No on Issue #2

#### **Issue #2 Would Authorize the Government to Spend More in Bond Money.**

The economy is in bad condition. When times are hard, this is when we must tighten our belts and spend only what is necessary and only what we can cover with incoming revenues. Issue #2 authorizes the government to take out more debts to pay for environmental revitalization and conservation. While this may be worthwhile, the State of Ohio should not be going into further debt.

#### **Passing Issue #2 Means Taxpayers Will Have to Pay Back These Bonds.**

Issue #2 authorizes **\$400 Million Dollars in debt** to be used for conservation purposes. You and your children will have to pay this money back. This money could be retained by taxpayers for their own purposes or used for other plans and directly helping people in need.

#### **Vote No on Issue #2.**

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Prepared by the Ohio Ballot Board in the absence of any submission in opposition, as required by Ohio Revised Code Section 3505.063(B).

*Argument In Favor of Issue 2 continued*

Across the state, Clean Ohio is protecting our drinking water, wildlife habitat, creating jobs and improving the quality of life for all Ohioans...**WITHOUT RAISING TAXES.**

**Keep this critical program. Continue Clean Ohio. On Tuesday, November 4th VOTE YES for ISSUE 2.**

*For more information visit [www.CleanOhio.ORG](http://www.CleanOhio.ORG)*

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Submitted by: Ohio State Representative Barbara Sears, Ohio State Senators Mark Wagoner and Sue Morano, the group appointed by the Ohio General Assembly to prepare the argument for Issue 2.

## **Full text of the proposed amendment to the Constitution**

(127th General Assembly)  
(House Joint Resolution Number 5)

### **JOINT RESOLUTION**

**Proposing to enact Section 2q of Article VIII of the Constitution of the State of Ohio to authorize the issuance of general and other obligations of the state to pay the costs relating to environmental and related conservation, preservation, and revitalization purposes.**

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 4, 2008, a proposal to enact Section 2q of Article VIII of the Constitution of the State of Ohio to read as follows:

### **ARTICLE VIII.**

Section 2q. (A) It is determined and confirmed that the environmental and related conservation, preservation, and revitalization purposes referred to in divisions (A)(1) and (2) of this section, and provisions for them, are proper public purposes of the state and local governmental entities and are necessary and appropriate means to improve the quality of life and the general and economic well-being of the people of this state; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or remediate certain contamination of or pollution from lands in the state and water contamination or pollution; to provide for safe and productive urban land use or reuse; to enhance the availability, public use, and enjoyment of natural areas and resources; and to create and preserve jobs and enhance employment opportunities. Those purposes are:

(1) Conservation purposes, meaning conservation and preservation of natural areas, open spaces, and farmlands and other lands devoted to agriculture, including by acquiring land or interests therein; provision of state and local park and recreation facilities, and other actions that permit and enhance the availability, public use, and enjoyment of natural areas and open spaces in Ohio; and land, forest, water, and other natural resource management projects;

(2) Revitalization purposes, meaning providing for and enabling the environmentally safe and productive development and use or reuse of publicly and privately owned lands, including those within urban areas, by the remediation or clean up, or planning and assessment for remediation or clean up, of contamination, or addressing, by clearance, land acquisition or assembly, infrastructure, or otherwise, that or other property conditions

or circumstances that may be deleterious to the public health and safety and the environment and water and other natural resources, or that preclude or inhibit environmentally sound or economic use or reuse of the property.

(B) The General Assembly may provide by law, subject to the limitations of and in accordance with this section, for the issuance of bonds and other obligations of the state for the purpose of paying costs of projects implementing those purposes.

(1) Not more than two hundred million dollars principal amount of obligations issued under this section for conservation purposes may be outstanding in accordance with their terms at any one time. Not more than fifty million dollars principal amount of those obligations, plus the principal amount of those obligations that in any prior fiscal year could have been but were not issued within the fifty-million-dollar fiscal year limit, may be issued in any fiscal year. Those obligations shall be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of debt service on them as it becomes due, all as provided in this section.

(2) Not more than two hundred million dollars principal amount of obligations issued under this section for revitalization purposes may be outstanding in accordance with their terms at any one time. Not more than fifty million dollars principal amount of those obligations, plus the principal amount of those obligations that in any prior fiscal year could have been but were not issued within the fifty-million-dollar fiscal year limit, may be issued in any fiscal year. Those obligations shall not be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall not be pledged to the payment of debt service on them. Those obligations shall be secured by a pledge of all or such portion of designated revenues and receipts of the state as the General Assembly authorizes, including receipts from designated taxes or excises, other state revenues from sources other than state taxes or excises, such as from state enterprise activities, and payments for or related to those revitalization purposes made by or on behalf of local governmental entities, responsible parties, or others. The general assembly shall provide by law for prohibitions or restrictions on the granting or lending of proceeds of obligations issued under division (B)(2) of this section to parties to pay costs of cleanup or remediation of contamination for which they are determined to be responsible.

(C) For purposes of the full and timely payment of debt service on state obligations authorized by this section, appropriate provision shall be made or authorized by law for bond retirement funds, for the sufficiency and appropriation of state excises, taxes, and revenues pledged to the debt service on the respective obligations, for which purpose, notwithstanding Section 22 of Article II of the Ohio Constitution, no further act of appropriation shall be necessary, and for covenants to continue the levy, collection, and application of sufficient state excises, taxes, and revenues to the extent needed for those purposes. Moneys referred to in Section 5a of Article XII of the Ohio Constitution may not be pledged or used for the payment of debt service on those obligations.

As used in this section, "debt service" means principal and interest and other accreted amounts payable on the obligations referred to.

(D)(1) Divisions (B) and (C) of this section shall be implemented in the manner and to the extent provided by the General Assembly by law, including provision for procedures for incurring, refunding, retiring, and evidencing state obligations issued pursuant to this section. Each state obligation issued pursuant to this section shall mature no later than the thirty-first day of December of the twenty-fifth calendar year after its issuance, except that obligations issued to refund or retire other obligations shall mature not later than the thirty-first day of December of the twenty-fifth calendar year after the year in which the original obligation to pay was issued or entered into.

(2) In the case of the issuance of state obligations under this section as bond anticipation notes, provision shall be made by law or in the bond or note proceedings for the establishment, and the maintenance during the period the notes are outstanding, of special funds into which there shall be paid, from the sources authorized for payment of the particular bonds anticipated, the amount that would have been sufficient to pay the principal that would have been payable on those bonds during that period if bonds maturing serially in each year over the maximum period of maturity referred to in division (D)(1) of this section had been issued without the prior issuance of the notes. Those special funds and investment income on them shall be used solely for the payment of principal of those notes or of the bonds anticipated.

(E) In addition to projects undertaken by the state, the state may participate or assist, by grants, loans, loan guarantees, or contributions, in the financing of projects for purposes referred to in this section that are undertaken by local governmental entities or by others, including, but not limited to, not-for-profit organizations, at the direction or authorization of local governmental entities. Obligations of the state issued under this section and the provisions for payment of debt service on them, including any payments by local governmental entities, are not subject to Sections 6 and 11 of Article XII of the Ohio Constitution. Those obligations, and obligations of local governmental entities issued for the public purposes referred to in this section, and provisions for payment of debt service on them, and the purposes and uses to which the proceeds of those state or local obligations, or moneys from other sources, are to be or may be applied, are not subject to Sections 4 and 6 of Article VIII of the Ohio Constitution.

(F) The powers and authority granted or confirmed by and under this section, and the determinations and confirmations in this section, are independent of, in addition to, and not in derogation of or a limitation on,

powers, authority, determinations, or confirmations under laws, charters, ordinances, or resolutions, or by or under other provisions of the Ohio Constitution including, without limitation, Section 36 of Article II, Sections 2i, 2l, 2m, 2o, and 13 of Article VIII, and Articles X and XVIII, and do not impair any previously adopted provision of the Ohio Constitution or any law previously enacted by the General Assembly.

(G) Obligations issued under this section, their transfer, and the interest, interest equivalent, and other income or accreted amounts on them, including any profit made on their sale, exchange, or other disposition, shall at all times be free from taxation within the state.

EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal, the amendment shall take effect immediately.

## Official Ballot Language

### **3 PROPOSED CONSTITUTIONAL AMENDMENT**

#### **TO AMEND THE CONSTITUTION TO PROTECT PRIVATE PROPERTY RIGHTS IN GROUND WATER, LAKES AND OTHER WATERCOURSES**

(Proposed by Joint Resolution of the General Assembly of Ohio)

#### **To adopt Section 19b of Article I of the Constitution of the State of Ohio**

This proposed Amendment would:

1. Make explicit that a private property owner has a right to make reasonable use of the ground water that lies beneath the owner's land, although this right is subordinate to the public welfare.
2. Make explicit that a private property owner who owns land on the border of a lake or other watercourse has a right to make reasonable use of the water in such lake or watercourse located on or flowing through the owner's land, although this right is subordinate to the public welfare.
3. Not affect the public's use of Lake Erie and other navigable waters of the state.
4. Prevent the rights confirmed under this proposed amendment to the Ohio Constitution from being impaired or limited by the operation of other sections of the Ohio Constitution.

If approved, this amendment shall take effect December 1, 2008.

A "YES" vote means approval of the amendment.

A "NO" vote means disapproval of the amendment.

A majority YES vote is required for the amendment to be adopted.

**Shall the proposed amendment be approved?**

- Yes  
 No



**Explanation**

**ISSUE #3**

**PROPOSED CONSTITUTIONAL AMENDMENT**

**TO AMEND THE CONSTITUTION TO PROTECT PRIVATE PROPERTY RIGHTS IN GROUND WATER, LAKES AND OTHER WATERCOURSES.**

**(Proposed by Joint Resolution of the General Assembly of Ohio)**

**To adopt Section 19b of Article I of the Constitution of the State of Ohio**

Purpose: The purpose of Amended Substitute Senate Joint Resolution Number 8 (SJR 8) is to protect the rights of Ohio's property owners, Ohio's natural resources, and the maintenance of the stability of Ohio's economy by explicitly recognizing under the constitution the property interests in ground water, lakes, and watercourses.

The Property Interests of Private Property Owners: SJR 8 would make explicit the property right of a private property owner in the reasonable use of the ground water underlying the property owner's land. SJR 8 would also make explicit the property right of a private property owner who owns land that borders a lake or watercourse in the reasonable use of the water in a lake or watercourse located on or flowing through the owner's land.

An owner of land may voluntarily convey to a governmental body the owner's property interest held in ground water underlying the land or nonnavigable waters located on or flowing through the land.

Also, the state and a political subdivision, to the extent authorized by state law, may provide for the regulation of such waters.

Property Right is Subordinate to Public Welfare: SJR 8 makes clear that the property rights described under the proposed amendment are subject to the public welfare.

Application of Public Trust Doctrine: This proposed amendment does not affect the public's use of Lake Erie and other navigable waters of the state. The public trust doctrine does not apply to ground water underlying privately owned land and nonnavigable waters located on or flowing through privately owned land.

Prevents Rights from being Impaired: The rights confirmed under this proposed amendment cannot be impaired or limited by the operation of other sections of the Ohio Constitution, including provisions governing home rule powers of a county, township, or municipal corporation; Public Debt and Public Works; conservation of natural resources; and the prohibition of the use of "initiative" and "referendum" on property taxes.

**If approved, this proposed amendment will be effective December 1, 2008.**

### Argument For State Issue 3

**Voting “YES” on this issue protects the private property rights of Ohioans, safeguards Ohio’s natural resources, and maintains the stability of Ohio’s jobs and economy by recognizing and protecting property interests in ground water, lakes and watercourses.**

This constitutional amendment was proposed by a bi-partisan supermajority of Ohio’s legislators who recognized that the preservation of private property interests is important to all Ohioans. These property rights are critical not only to property owners, but also to the protections of natural resources and the Ohio economy. Your “Yes” vote will ensure the protection of private property rights, natural resources, and Ohio’s jobs and economy.

**Voting “Yes” will:**

- Affirm that a property owner has a property interest in the reasonable use of ground water under the property owner’s land;
- Affirm that an owner of land along lakes and watercourses has a property interest in the reasonable use of water in that lake or watercourse located on or flowing through that land;
- Ensure that Ohio law continues to protect these water use rights for all Ohio citizens.

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Submitted by: Ohio State Senators Timothy J. Grendell and Capri Cafaro, the group appointed by the Ohio General Assembly to prepare the argument for Issue 3.

### Argument Against Issue 3

Vote No on Issue #3

**Vote No on Issue #3.**

Issue #3 is an unnecessary addition to the Ohio Constitution. The Supreme Court of Ohio already determined that private property owners have rights to the ground water underlying their land and to the watercourse flowing on and through their land. Vote no on Issue #3.

Issue # 3 makes changes to the Constitution so specific that they mention legal doctrines that are not contained in the Constitution. What if those legal doctrines change by court rulings? Parts of our Constitution would no longer be relevant. That is not appropriate for our Constitution, which is supposed to be the voice of the People.

Issue #3 does not give an accurate picture of a private property owner’s rights. Property owners do not actually own the water beneath their land. They have a right to a reasonable use of that water, but the state always has the power to regulate how it is used and take it for just compensation. Issue #3 gives private property owners the false sense of security that their land cannot be taken away at a later date.

We do not know what the future will hold. We should not limit ourselves by passing this amendment.

**VOTE NO ON ISSUE #3.**

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Prepared by the Ohio Ballot Board in the absence of any submission in opposition, as required by Ohio Revised Code Section 3505.063(B).

**Full text of the proposed  
amendment to the Constitution**

(127th General Assembly)  
(Amended Substitute Senate Joint Resolution Number 8)

**JOINT RESOLUTION**

**Proposing to enact Section 19b of Article I of the Constitution of the State of Ohio to affirm certain property interests with respect to ground water and other water on or flowing through a property owner's land so as to maintain the stability of Ohio's economy.**

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 4, 2008, a proposal to enact Section 19b of Article I of the Constitution of the State of Ohio to read as follows:

**ARTICLE I**

Section 19b. (A) The protection of the rights of Ohio's property owners, the protection of Ohio's natural resources, and the maintenance of the stability of Ohio's economy require the recognition and protection of property interests in ground water, lakes, and watercourses.

(B) The preservation of private property interests recognized under divisions (C) and (D) of this section shall be held inviolate, but subservient to the public welfare as provided in Section 19 of Article I of the Constitution.

(C) A property owner has a property interest in the reasonable use of the ground water underlying the property owner's land.

(D) An owner of riparian land has a property interest in the reasonable use of the water in a lake or watercourse located on or flowing through the owner's riparian land.

(E) Ground water underlying privately owned land and nonnavigable waters located on or flowing through privately owned land shall not be held in trust by any governmental body. The state, and a political subdivision to the extent authorized by state law, may provide for the regulation of such waters. An owner of land voluntarily may convey to a governmental body the owner's property interest held in the ground water underlying the land or nonnavigable waters located on or flowing through the land.

(F) Nothing in this section affects the application of the public trust doctrine as it applies to Lake Erie or the navigable waters of the state.

(G) Nothing in Section 1e of Article II, Section 36 of Article II, Article VIII, Section 1 of Article X, Section 3 of Article XVIII, or Section 7 of Article XVIII of the Constitution shall impair or limit the rights established in this section.

EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal, the enactment shall take effect December 1, 2008.

## Official Ballot Language

**4 PROPOSED LAW**

**INITIATED LEGISLATION REQUIRING PAID SICK LEAVE FOR  
EMPLOYEES IN OHIO**

(Proposed by Initiative Petition)

**Withdrawn by Petitioners' Committee on September 4, 2008.**

## Official Ballot Language

### 5 REFERENDUM

#### REFERENDUM ON LEGISLATION MAKING CHANGES TO CHECK CASHING LENDING, SOMETIMES KNOWN AS "PAYDAY LENDING," FEES, INTEREST RATES AND PRACTICES

Substitute House Bill 545 (H.B. 545), which was passed by the Ohio legislature and signed into law by the Governor, substantially changed the law regulating how certain lenders in Ohio operate. Under the referendum, voters must decide whether Section 3 of H.B. 545 should go into effect. Section 3 of H.B. 545 deletes the old provisions of the law regulating check cashing lenders, sometimes known as "payday lenders," in favor of the new provisions.

1. If a majority of Ohio voters approve Section 3 of H.B. 545, all short term lenders, including check cashing lenders, would be subject to the following limitations:
  - The maximum loan amount would be \$500;
  - Borrowers would have at least 30 days to repay the loan; and
  - The maximum interest rate would be 28% annual percentage rate (APR) on all loans.
2. If a majority of Ohio voters reject Section 3 of H.B. 545, check cashing lenders would be allowed to continue under previous law as follows:
  - The maximum loan amount would continue to be \$800;
  - There would continue to be no minimum repayment period; and
  - Check cashing lenders could continue to charge rates and fees, resulting in a total charge for a loan that substantially exceeds an equivalent APR of 28%.

A "YES" vote means you approve of Section 3 of H.B. 545, and want to limit the interest rate for short term loans to 28% APR and change short term lending laws.

A "NO" vote means you disapprove of Section 3 of H.B. 545 and want to permit check cashing lenders to continue to be able to offer short term loans as currently permitted.

A majority "YES" vote is required for Section 3 of H.B. 545 to be approved.

**Shall Section 3 of H.B. 545 be approved?**

- Yes  
 No

**Explanation and Argument In Support of Issue 5****Vote YES on Issue 5 to cap the interest on payday loans.**

Is 391% interest too high? **YES.**

**A YES vote caps the annual interest on a payday loan at 28 %.** Payday lenders don't like the interest rate cap. They want to charge 391% APR on a typical two-week loan. That's why the national payday lending lobby spent millions on misleading TV ads and petition circulators to get Issue 5 on the ballot.

Here's what a **YES** vote on Issue 5 does:

- Keeps the 28% interest rate cap.
- Forbids lenders from charging 391% APR on a typical two-week loan.
- Helps breaks the cycle of debt. Payday lenders prosper by trapping vulnerable Ohioans into a cycle of repeat borrowing. Their neon signs offer the false hope of a quick fix but instead borrowers typically end up with 12 or more loans each year.
- Gives borrowers more time to pay back loans and helps create more affordable small loans.

Here's what a YES vote does NOT do:

- It **does not** take a good credit choice away from borrowers. Payday loans with 391% APR are defective products that trap borrowers, and the government has an obligation to keep defective products off the market.
- It **does not** mean an end to 6,000 jobs. Most of Ohio's payday lenders already have applied for new state licenses to offer other types of loans in Ohio, which suggests they plan to remain in Ohio.

Reckless lending hurts more than unsteady borrowers. It puts a strain on our charities, increases demand for social services and undermines families and communities.

Ohio has one of the best payday lending reform laws on the books!

**Please Vote Yes on Issue 5 and Keep Ohio's Payday Lending Reforms.**

Submitted by: Michael B. Coleman, Mayor of Columbus; Philip E. Cole, Executive Director, Ohio Association of Community Action Agencies; Lisa Hamler-Fugitt, Executive Director, Ohio Association of Second Harvest Foodbanks; Bishop Bruce R. Ough, Bishop, Ohio West Area United Methodist Church; E.J. Thomas, Chairman, Habitat for Humanity-Ohio.

**Argument and Explanation Against Issue 5****ISSUE 5 WILL REJECT SECTION 3 OF HOUSE BILL 545 ADOPTED BY THE OHIO GENERAL ASSEMBLY  
VOTE NO ON ISSUE 5****If Approve Issue 5 would:**

**Eliminate a valued credit choice** for many hardworking Ohioans who need temporary financial help, and jeopardize thousands of Ohio jobs.

Infringe on personal privacy and require that everyone taking out short-term loans be **listed by name in a government database.**

Limit consumers to four short-term loans per year and **deny** consumers access to other affordable choices.

**Why you should vote NO on Issue 5:**

Hardworking families make difficult financial choices everyday. Taking a legitimate credit option from them, especially when they have an emergency or an unexpected need, will result in greater financial hardship.

Ohioans deserve the freedom to make their own financial decisions - it should be an individual's choice on which lending option to use, not a politician's.

Payday advances are a sensible credit option. They cost only \$15.00 per \$100 borrowed. By comparison, banks charge \$29.00 for overdrafts and \$37.00 for late fees on credit cards. Other fees can be as high as \$57.00.

**Vote NO on Issue 5,** to preserve a short-term loan option that is simple, reliable, and confidential - and often the cheapest available.

**Vote NO on Issue 5,** to ensure that those who need short-term financial help will have a choice.

**Vote NO on Issue 5,** to guarantee your right to access practical credit.

By voting **NO on Issue 5,** you will preserve the jobs of thousand of employees within the financial services sector. In Ohio's difficult economy, further job losses should be avoided, particularly good jobs - with competitive salaries and benefits.

**Vote NO on Issue 5,** to preserve financial choices; confidentiality and privacy in personal borrowing; and, the retention of up to 6,000 jobs for Ohio workers.

**Vote**

Submitted by: Committee to Reject HB 545, Stephen J. Schaller, Robert M. Greiser and Bridgette C. Roman.

**Full text of the section  
of law to be referred**

*Be it enacted by the General Assembly of the State of Ohio:*

**SECTION 3.** That sections 1315.35, 1315.36, 1315.37, 1315.38, 1315.39, 1315.40, 1315.41, 1315.42, 1315.43, and 1315.44 of the Revised Code are hereby repealed.

## Official Ballot Language

### **6 PROPOSED CONSTITUTIONAL AMENDMENT**

#### **TO AMEND THE CONSTITUTION BY INITIATIVE PETITION FOR A CASINO NEAR WILMINGTON IN SOUTHWEST OHIO AND DISTRIBUTE TO ALL OHIO COUNTIES A TAX ON THE CASINO**

(Proposed by Initiative Petition)

#### **To adopt Section 6a to Article XV of the Ohio Constitution**

This proposed amendment to the Ohio Constitution would:

1. Authorize one privately owned casino with a required minimum initial investment of \$600 million dollars on a 94-acre site located near the northwest corner of State Route 73 and Interstate 71 in southwest Ohio in Chester Township near Wilmington, Clinton County, Ohio.
2. Require the casino to pay a tax of up to 30% on its gross receipts for gaming less payouts. The taxes are to be used first to pay expenses of regulating and collecting taxes from the casino, then for funding of gambling prevention and treatment programs, and the remainder to be distributed in the amount of 10% to Clinton County and 90% to the remaining counties based on population and to be used at each county's discretion.
3. Reduce the tax paid by the casino authorized by this amendment to the lesser of the rate taxed on another casino or 25%, in the event another casino is permitted in Ohio in the future.
4. Require that the casino be subject to all other applicable types of taxes that are currently in effect in Ohio.
5. Authorize the casino to conduct any game permitted in the State of Nevada, or any state adjacent to Ohio, including any type of card or table games, slot machines, and electronic gaming devices, except bets on races or sporting events. Only persons age 21 and over would be permitted to place bets. Amounts of bets would not be subject to any limits now or in the future. Days and hours of operation would not be subject to limits.
6. Set aside the application to the casino of all local and state laws and any constitutional provisions that would prohibit the operation of this privately owned casino, including any local zoning law that would prohibit or place restrictions on a casino from operating on the property in question.

*Official ballot language continued on next page*



If approved, this proposed amendment shall take effect 30 days after the election.

A "YES" vote means you approve of amending the Ohio Constitution to permit one casino near Wilmington in southwest Ohio.

A "NO" vote means you disapprove of amending the Ohio Constitution to permit one casino near Wilmington in southwest Ohio.

A majority "YES" vote is required for the amendment to be adopted.

**Shall the proposed amendment be approved?**

- Yes
- No

**Explanation and Argument  
In Favor of Issue 6**

**ISSUE 6** will allow a \$600 million first class gambling and entertainment destination casino resort to be built in southwest Ohio at Interstate 71 and State Route 73 near Wilmington, Dayton, Cincinnati and Columbus.

**ISSUE 6** will create up to 5,000 new jobs in Ohio with average projected salaries of \$34,000 – Jobs that cannot be outsourced.

**ISSUE 6** will generate thousands of new construction jobs required to develop and construct the casino, hotel, restaurants, golf course, live theater and other amenities one finds at a first class casino resort.

**ISSUE 6** will annually generate an estimated \$200 million dollars from a special tax that only the casino operator will pay. The vast majority of this tax will be distributed to every Ohio county government based on the county's population. Additionally, the casino operator will also pay taxed that other businesses pay, including property and income taxes.

**ISSUE 6** will allow Ohio to compete with the 38 other states that currently allow casino gambling. Not only will it stop the flow of money from Ohio to other states (including our neighbor states of Indiana, Michigan, West Virginia, and Pennsylvania), it will also be an economic stimulus for Ohio as a result of the out of state customers spending money at the casino resort.

**ISSUE 6** is about jobs... **OHIO JOBS.**

VOTE **YES** ON **ISSUE 6.**

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Submitted by: My Ohio Now Committee, Rick Lertzman, Brad Pressman, and Matthew Lertzman.

**Argument and Explanation  
Against Issue 6**

Ohioans have rejected casinos three times since 1990. Issue 6 is the worst gambling proposal Ohio voters have yet faced.

**Please vote NO on the Lakes Entertainment Gambling Amendment – ISSUE 6.**

Lakes Entertainment is an out-of-state casino operator trying to manipulate the Ohio Constitution to obtain a privately owned casino monopoly in Ohio.

Issue 6 will drain billions from Ohioans' wallets and send that money to Lake's Entertainment owners, who don't live in Ohio or pay taxes in Ohio.

Democrats, Republicans and Independents are voting NO on Issue 6 because:

- ❖ Issue 6 will drain billions from Ohio's economy and **cost jobs.**
- ❖ It creates a **private monopoly** for a single casino owner.
- ❖ Issue 6 does not guarantee even a minimum number of Ohio jobs or other amenities. **Developers are not held accountable.**
- ❖ There **is no money for the State's General Revenue Fund. Ohio gets nothing.**
- ❖ The language promising money to counties is **filled with loopholes. There is no guarantee that the counties will see any revenue** and could end up with nothing when another casino opens in Ohio.
- ❖ **Remember the Lottery?** It didn't save Ohio schools. Casinos won't save county budgets either. Passing Issue 6 could make levies for vital social services tougher to pass.
- ❖ Issue 6 will make Ohio a Class III gambling state, **making it easier for Indian casinos to open**, which will reduce or eliminate proposed funds to Ohio counties.
- ❖ Issue 6 will create **new gambling addicts**, ruining thousands of lives.
- ❖ Issue 6 **will not stop Ohioans from traveling to gamble.**

*Continued on next page*

*Argument and Explanation Against Issue 6  
continued*

- ❖ This casino will **hurt honest businesses** in Clinton County and the people of Wilmington who voted overwhelmingly against casinos in 2006.

**Casinos cost jobs, ruin lives and destroy families. Please Vote NO on ISSUE 6.**

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Submitted by: Vote No Casinos Committee Co-Chairs, U.S. Senator George V. Voinovich, Franklin Co. Commissioner Paula Brooks, Dr. Sterling Glover, Rev. Kelly McInerney, Rev. John Edgar, Rob Walgate, Melanie Elsey.

## **Full text of the proposed amendment to the Constitution**

Be it resolved by the People of the State of Ohio that Article XV of the Ohio Constitution is amended by adopting a new Section 6a and adding a Schedule to Section 6a as follows:

### Section 6a

(A) Notwithstanding any other provision in this Constitution, or any statute, ordinance, resolution, regulation, or order enacted by, or under the authority of, the State of Ohio or any agency, officer, authority, or subdivision thereof, one privately-owned casino may legally operate subject to regulatory oversight described in this section on all or any part of an approximately 94 acre site near the northwest corner of the intersection of State Route 73 and Interstate 71 in Chester Township, Clinton County, as more particularly described in the Schedule to this section.

(B) The General Assembly shall authorize a tax of up to thirty percent (30%) of the gross casino receipts of the casino. In the event that another casino is permitted in Ohio by state or federal law to conduct gaming activities similar to that conducted by the casino authorized under division (A) of this section, the tax rate on gross casino receipts authorized by this subsection shall not exceed the lesser of twenty-five percent (25%) or the lowest percentage rate payable by any other casino subsequently authorized. The casino authorized under division (A) above shall be subject to all other state and local taxes that apply to businesses generally and that do not tax casinos or their gaming activities differently than other businesses. For purposes of the Commercial Activity Tax, or of any other tax measured or calculated on the basis of gross receipts, the casino's gross receipts shall not exceed Gross Casino Receipts as defined in this division. Except as provided in this division (B), there shall be no other tax on the casino, its gaming activities, its owners, or its patrons that does not apply similarly to other types of businesses.

(1) The proceeds of the tax on gross casino receipts shall be collected by the State and distributed as follows:

(a) One percent (1 %) of the gross casino receipts tax collected shall be used to fund problem gaming prevention and treatment programs in the State;

(b) An amount reasonably determined by the General Assembly shall be used to pay for the reasonable administrative expenses of operating the Gaming Regulatory Commission;

(c) An amount sufficient to defray the expense of collecting and distributing the gross casino receipts tax shall be distributed to the fund or funds from which such expenses are paid; and

(d) The remaining gross casino receipts taxes collected shall be distributed as follows: ten percent (10%) to the county in which the casino is located and ninety (90%) to be distributed on a per capita basis among all 88 counties in Ohio, such funds to be deposited into the general fund of each county and spent at each county's discretion. Unless otherwise provided by law,

the population of each county as reflected in the most recent decennial federal census shall be the basis for the per capita allocation.

(2) "Gross Casino Receipts," as used in this division, means the total of all sums received by the casino in conducting gaming activities permitted by this Section, including payments for amounts collected from patrons to whom the casino has extended credit for gaming purposes and any compensation received by the casino for conducting a game in which the casino is not a party to the wager, less all cash or the value in money of all property paid or transferred to patrons by the casino in conducting such gaming activities, and less the amounts paid to fund periodic payments won by patrons.

(C) The casino operator shall be required to:

(1) make a minimum initial investment of \$600 million for the development of a casino destination resort to include the casino, a hotel and other resort-related amenities; and

(2) pay an initial license fee, upon approval of the initial casino license. The General Assembly or the Gaming Regulatory Commission shall establish the initial casino license fee based upon the estimated cost to the State of establishing the Gaming Regulatory Commission and for operating it until the State begins to collect the casino gross receipts tax, but in no event shall the initial casino license fee exceed fifteen million dollars (\$15,000,000). The initial casino license fee paid by the casino operator shall be treated as an interest-free advance payment on and shall be credited against the tax on Gross Casino Receipts described in division (8) of this section, to be applied against the first payment of such tax and, the credit exceeds the first payment of such tax, against subsequent payments until the credit is exhausted. No fee shall be charged for applying for or for renewing a casino license.

(D) The General Assembly shall provide by law for the establishment of a Gaming Regulatory Commission, whose members shall be appointed by the Governor with the advice and consent of the Senate. The Gaming Regulatory Commission, by rules adopted pursuant to law, shall establish procedures for granting, renewing, suspending, and revoking a license to operate the casino authorized under this section, and may adopt rules to insure the fairness and integrity of the gaming activities conducted at the casino.

(E) The casino authorized to operate legally under this section may conduct those gaming activities, including any type of card or table games, slot machines or electronic gaming devices, currently or hereafter permitted at a gaming establishment operating under the laws of Nevada or of any state adjacent to Ohio, except that wagers on races or other sporting events shall not be permitted. No person shall be permitted to place a wager at the casino who has not attained the age of twenty-one years. No statute or regulation of the State or any agency or subdivision thereof, including any restriction on or condition for the granting of any license under this section, shall limit the amount that may be wagered on gaming activities permitted under this section or

the days or hours of operation of the casino.

(F) A license to conduct gaming activities at the casino authorized under this section shall pre-empt any local zoning resolution, code, or ordinance that would otherwise preclude a casino from operating on the property described in the Schedule to this section or that would require any local hearing, vote, variance, license, or conditional use approval for the establishment of a casino on that site.

(G) If the Gaming Regulatory Commission to be established under division (0) is not operational and functioning within six months of the effective date of this section, its regulatory and licensing duties shall be performed by the Ohio Lottery Commission until such time as the Gaming Regulatory Commission is established and able to perform its duties. Once the Gaming Regulatory Commission is established and able to perform its duties, or in the alternative once the Ohio Lottery Commission has assumed the duties of the Gaming Regulatory Commission as provided hereinabove, the owner or lessee of the real property described in the Schedule to this section may apply to the Gaming Regulatory Commission or Ohio Lottery Commission as applicable, for a license to conduct gaming activities at the casino authorized under this section. A license to conduct gaming activities at the casino authorized under this section shall be granted and renewed so long as the licensee complies with reasonable laws and regulations designed to ensure that such gaming activities are conducted fairly and honestly and comply with all tax and other regulations generally applicable to restaurants, hotels, and other similar business establishments within the State. The Gaming Regulatory Commission or Ohio Lottery Commission, as applicable, shall either grant, deny or renew the license within ninety (90) days after the application is received by the applicable Commission. If the applicable Commission does not either approve, deny or renew the license within this period, a temporary license shall be granted until such time as the Gaming Regulatory Commission either approves, renews or denies the application for the initial license or its renewal. A denial or revocation of a license may be appealed to district court in the same manner as provided by law in the case of an appeal from an order of the Liquor Control Commission. If the Gaming Regulatory Commission denies a license renewal, or revokes an existing license, the license shall remain in effect until the licensee surrenders the license pursuant to the denial or revocation, or until all rights of appeal have been exhausted unless a court with jurisdiction over the appeal determines that there is a compelling public reason for the license not to remain in effect during the time of the appeal.

#### SCHEDULE TO SECTION 6a

The one privately-owned casino authorized by Section 6a of Article XV may be located on all or any part of the two tracts of real property more particularly described as follows:

#### TRACT 1

Situated in Chester Township, Clinton County, Ohio, Virginia Military Survey Number 1994, and being all of the remaining parts of two 50.00 acre tracts (Official Record 46, Page 791), all of the remaining part of a 30.00 acre tract (Official Record 167,

Page 699), and all of a 5.002 acre tract as conveyed by deed to Roger L. Plummer and Alma J. Plummer as recorded in Volume 139, Page 490 of the Clinton County Official Records and being more particularly described as follows:

Commencing for reference at a railroad spike found at the intersection of Old Denny Road and State Route 73;

thence with the centerline of State Route 73 S 76°45'17" E 250.00' to the southeasterly corner of Midwest Land Supply, Inc.'s 4.464 acre tract (Official Record 70, Page 27), and also being the True Point of Beginning for this tract herein described;

thence with the easterly line of said 4.464 acre tract N 0°15'34" W (passing a ½" iron pin found at 39.80') 800.00' to a ⅝" iron pin found;

thence continuing with the northerly line of said 4.464 acre tract N 76°44'17" W 250.00' to a ⅝" iron pin found in the line of Rachel L. Pidgeon's 102.933 acre tract (Official Record 610, Page 592);

thence with the line of said Pidgeon N 0°15'31" W 441.64' to a ⅝" iron pin found in the line of VMS No. 1994 & 4297;

thence continuing with the line of said Pidgeon and the military survey line N 75°33'29" E 1441.82' to a ⅝" iron pin found at the corner of Barbara A. Bay et al Trust's 179.21 acre tract (Official Record 2, Page 482);

thence continuing with the military survey line and southerly line of said 179.21 acre tract N 78°25'44" E 999.29' to a 10" wood post found at the corner of William P. Thompson's 50 acre tract (Deed Book 276, Page 322);

thence with the line of said Thompson's 50 acre tract and becoming the line of Thomas A. Collett, Trustee's remaining part of an original 82.85 acre tract (Official Record 292, Page 127) S 36°46'58" E 306.85' to an iron pin set;

thence continuing with the westerly line of said Collett S 6°11'37" W 1395.99' to a ⅝" iron pin found at the northeasterly corner of Aarman LLC's 5.923 acre tract (Official Record 330, Page 328);

Thence with the northerly line of said 5.923 acre tract N 76° 45'59" W 500.34' to a ⅝" iron pin found;

thence continuing with the westerly line of said 5.923 acre tract S 6°09'57" W (passing a ½" iron pin found at 689.81') 719.57' to a mag nail set in the centerline of State Route 73;

thence with the centerline of said road N 76° 45'17" W 701.23' to the southeasterly corner of Robert L. & Ceyrrae F. Bailey's 1.588 acre tract (Official Record 701, Page 703-706);

thence with the lines of said Bailey's 1.588 acre tract along the following courses:

N 13°14'25" E (passing a ⅝" iron pin found at 29.55') 461.27' to a

5/8" iron pin found; thence

N 76°45'17" W 150.00' to a 5/8" iron pin found; thence

S 13°14'25" W (passing a 5/8" iron pin found at 430.27' to the centerline of State Route 73;

Thence with the centerline of said road N 76°45'17"W 787.44' to the True Point of Beginning containing 88.517 acres of land, more or less, subject to all legal highways, easements, conditions and restrictions of record.

This description is based upon a field survey conducted under the direction of R. Douglas Sutton, Ohio Professional Surveyor No. 7124 by CLINCO & SUTTON SURVEYORS in July 2007.

Iron pins referred to as set are 5/8" diameter steel and 30" in length with a yellow cap stamped "CLINCO & SUTTON".

Bearing are based upon NAD 83 (1995) Ohio State Plane Coordinates (South Zone) as derived from GPS Observations. Distances used are based upon Ground Distances.

#### TRACT II

Situate in the County of Clinton, State of Ohio, Township of Chester, in Military Survey No. 1994, being a part of Lot No.3, as designated on Plat Record Book No. 7, Pages 385-386, Surveyors Records of Clinton County, Ohio, bounded and described as follows:

Beginning at an iron spike in the center of State Route 73 (Harveysburg and Wilmington Pike), marking the southeast corner of lands of Subject owner, common to lands of Matthias Toeppen & Laverne Toeppen (Vol. 192, Page 66), being in the south line of aforesaid Lot No. 3, bearing North 76° 56' 06" West, 200.00 feet, from the southeast corner of said Lot No.3; thence, from said point of beginning, leaving the south line of said Lot No.3, leaving said State Route 73, and running within said Lot No.3, with lands of said Toeppen North 05° 58' 34" East, 500.00 feet, to an iron pin; thence, South 76° 56' 06" East, 200.00 feet, to an iron pin in the east line of said Lot No.3; thence, leaving the lands of said Toeppen and running with the east line of said Lot No.3 and the east line of lands of subject owner, North 05° 58' 34" East, 220.00 feet to an iron pin in the west line of lands of Laura A. Collett; thence, leaving the east line of said Lot No. 3 and the lands of said Collett, and running entirely within said Lot No.3, and entirely within lands of subject owner, North 76° 56' 06" West, 500.00 feet, to an iron pin; thence, South 5° 58' 34" West, 720.00 feet, to an iron spike in the center of said State Route 73, in the south line of said Lot No.3, and in the south line of lands of subject owner, thence, with the south line of said Lot No. 3, and the south line of lands of subject owner, along the center of said State Route 73, South 76° 56' 06" East, 300.00 feet, to the place of beginning.

Containing 5.9232 acres, more or less.

Parcel Number: 030-001979-1.



## **DATES TO REMEMBER**

### **SEPTEMBER 30**

Absentee balloting begins

### **OCTOBER 6**

Deadline for voter registration for General Election

### **NOVEMBER 1**

**(12:00 NOON)**

Deadline for electors to deliver, by mail,  
an absentee ballot to the board of elections

### **NOVEMBER 3**

**(CLOSE OF BUSINESS)**

Deadline for voting an absentee ballot in person at a county  
board of elections for the General Election

### **NOVEMBER 4**

**Election Day**

Polls open from 6:30 a.m. to 7:30 p.m.

*For more information, contact:*

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SOS 0507 (09/08)

<UNION BUG HERE>