

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 Ohio Constitution

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.

If approved, this proposed amendment will be effective immediately.

League Explanation of Issue 1:

- This proposed constitutional amendment seeks to make the petition filing deadlines earlier for statewide ballot issues. Currently, the deadlines are 90 days before the election for statewide initiative petitions (laws and constitutional amendments proposed by citizens) and 60 days for statewide referendums (citizen-initiated votes to repeal new laws). The amendment would change these deadlines to 125 days for both.
- The proposal adds deadlines for public officials to act on the petitions. It requires the secretary of state to determine whether there are enough valid signatures on a petition by the 105th day before the election. Challenges must be filed in the Ohio Supreme Court not later than 95 days prior to the election. The Ohio Supreme Court must make its decision not later than 85 days prior to the election. If necessary, 10 additional days shall be allowed for the filing of additional signatures. The secretary of state shall check the additional signatures not later than 65 days before the election. Any challenges must be filed in the Ohio Supreme Court not later than 55 days before the election, and the court must rule on any challenges not later than 45 days before the election. If no ruling is made, the petition and signatures shall be presumed to be sufficient.
- The proposed amendment would give the Ohio Supreme Court sole authority to consider these cases. Currently lower courts may hear these challenges.

Proponents of the proposed amendment argue that:

1. The earlier deadlines will allow more time to determine the validity of the petition and the signatures. This should reduce the number of invalid issues that appear on ballots and reduce voter confusion.
2. If deadlines are met, absentee voters and election-day voters will know which issues were supported by sufficient valid petitions.
3. The process should be more efficient because the amendment provides for specific deadlines for each step of the process.
4. Having the Ohio Supreme Court as the sole arbiter of challenges expedites the process.

Opponents of the proposed amendment argue that:

1. The revised deadlines may still not allow time to print correct ballots.
2. The revised deadlines decrease the time for each step of the review and may be difficult to meet.
3. The earlier deadlines for referenda may result in long delays for voter consideration of challenged laws because laws challenged by the referendum process are suspended until approved by voters. Challengers have 90 days after a law is passed to file a referendum petition. Because this may not be completed before the filing deadline for ballot issues, a vote on the challenged law may be postponed until the following general election.
4. As sole arbiter of challenges, the Ohio Supreme Court will not have the benefit of a record from lower courts.

Websites: None available for proponents or opponents

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

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.

If approved, this proposed amendment shall take effect immediately.

League Explanation of Issue 2: This ballot issue proposes a constitutional amendment that would add to funding for The Clean Ohio Program. The amendment is identical to the bond issue passed by the voters in 2000 and will provide the state with the authority to issue an additional \$400 million of bonds. These bonds could be used for the benefit of both governmental and non-governmental entities.

- **Conservation**: Up to \$200 million in bonds could be issued for conservation purposes such as preservation of natural areas and farmlands, provision of recreation facilities, and natural resource management projects. Repayment of these bonds would be a general obligation of the state backed by the taxing power of the state.
- **Revitalization**: Up to \$200 million in bonds could be issued for revitalization purposes such as environmental cleanup of publicly or privately owned lands. Repayment of these bonds would be secured by specific state revenues such as receipts from liquor taxes.
- **Limitations**: The proposed amendment limits the amount that could be borrowed in any one fiscal year for either conservation or revitalization purposes to no more than \$50 million. In addition the state can borrow amounts which were authorized but not issued in prior fiscal years.
- **Reissuance**: After a bond is repaid, another can be issued as long as the total amount outstanding does not exceed \$200 million for that type of bond.
- **Debt Service Expense**: The Legislative Services Commission estimates that issuing \$400 million of obligations could increase the state's annual debt service expense by up to \$40 million. The Ohio Office of Budget and Management calculated that principle and interest payable in 2008 for all of the bonds already issued by Ohio is \$1,231,640,023.
- This bonding authority must be approved by the voters because the Ohio constitution does not permit an appropriation being made for a period longer than two years.

Proponents of the proposed amendment argue that:

1. Bond monies could be used to improve drinking water, help keep rivers and streams clean, preserve and protect wildlife and farmland, and expand outdoor recreational opportunities for Ohioans.
2. Bond monies could be used to reduce the number of polluted industrial sites and clean up brown fields
3. Revitalization of public and private lands could stimulate economic development in urban areas and increase private investment in Ohio.

Opponents of the proposed amendment argue that:

1. Tax monies will be diverted to paying principle and interest, and this may limit the availability of state revenue for other state programs.
2. This authority is not time-limited and permits new bonds to be reissued after the retirement of the original bonds without further vote of the people.
3. Proceeds from the sale of the publicly funded bonds may be used to benefit private entities.

Websites: None available for proponents and opponents.

**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

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.

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

League Explanation of Issue 3: This proposed amendment resulted from the Ohio legislature's passage of the Great Lakes Water Compact this past spring. Some lawmakers feared final approval of the Compact might limit private water rights. The constitutional amendment is intended to recognize that:

- Property owners have a protected right to the "reasonable use" of the ground water flowing under their property, and of the water in a lake or watercourse that is on or flows through their property.
- An owner has the right to give or sell these interests to a governmental body.
- The public welfare supersedes individual property owners' rights. The state and political subdivisions may regulate such waters to the extent state law allows.
- The proposed amendment would not affect public use of Lake Erie and the state's other navigable waters.
- The rights confirmed by this amendment may not be limited by sections of the Ohio Constitution addressing home rule, public debt and public works, conservation of natural resources, and the prohibition of the use of "initiative" and "referendum" on property taxes.

Proponents of the proposed amendment argue that:

1. This amendment, if approved, is intended to reaffirm the rights and expectations of Ohio landowners to have reasonable use of the water on or under their properties.
2. The proposed amendment does not establish absolute private ownership of water.
3. It reiterates the state's right to regulate water use and water quality.

Opponents of the proposed amendment argue that:

1. The amendment is unnecessary because current Ohio case law already recognizes property owners' interests in the reasonable use of surface and groundwater.
2. The Ohio Constitution should be a body of fundamental principles, and should not be amended unless there is a compelling reason.
3. The amendment could cause unexpected consequences and unintentional changes in current law.

Websites: None available for proponents and opponents.

As of September 15, 2008, this issue had NOT been certified to be on the Nov. 4, 2008, ballot.

**ISSUE 5 : REFERENDUM ON LEGISLATION MAKING CHANGES
TO PAYDAY LENDING PRACTICES**

(A referendum on Section 3, House Bill 545)

A YES vote will cap the annual interest rate on payday loans at 28%
and allow only the new regulations to apply to payday lenders.

A NO vote may allow payday lenders to charge up to 391% annual interest on a loan.
Specifically, a NO vote may create a situation in which both the old and new laws coexist—
thereby allowing payday lenders to choose to operate under either law.

A majority YES vote will allow only the new regulations affecting payday lenders to be in effect.
If approved, changes regulating payday lenders would go into effect immediately.

League Explanation of Issue 5: Voters are being asked if they want to uphold the legislature's repeal of lenders' authority to charge interest that could be as high as 391%. If the referendum is approved (the "yes" votes prevail), all short term lenders, including payday lenders, would be subject to the following limitations:

- Cap the interest that payday lenders can charge consumers at 28%.
- Limit the amount consumers may borrow from payday lenders to 25% of their monthly income, up to \$500 per loan.
- Limit consumers to four short-term loans per year.
- Provide for a minimum of at least 30 days for a borrower to repay a loan.

Proponents of the referendum argue that:

1. The new regulations would cap the interest for payday loans at 28%, which effectively ends lenders' ability to charge up to 391% interest.
2. Limiting the number of loans customers can take out annually would help break the cycle of debt in which many customers find themselves trapped. Data show that 99% of payday loans go to repeat borrowers—who typically take out 12 or more loans a year.
3. Passage of Issue 5 would give borrowers more time to repay a loan—and by limiting the amount a consumer can borrow, would help insure that customers do not borrow more than they can afford to repay.

Opponents of the referendum argue that:

1. The 28% ceiling on interest rates will not allow lenders to make enough profit to stay in business; lenders will be forced to close locations convenient for borrowers and jobs will be lost.
2. The loans provide emergency assistance to cash-strapped borrowers who have no other credit options—and the loans are more affordable, if repaid promptly, than bank overdraft fees and credit card late fees.
3. A borrower's choice is limited if the number of loans available in a year and the amount of each loan are curtailed. Each borrower should have the right to make their own financial decisions without government restrictions.

Websites:

In support of placing new restrictions on payday lenders:

PROTECT HB 545 Committee (<http://www.yesonissue5.com/>)

In opposition to placing new restrictions on payday lenders:

The Committee to Reject H.B. 545 (www.ohioans4financialfreedom.com)

This issue was certified for the Ohio ballot on September 25, 2008

**ISSUE 6: PROPOSED CONSTITUTIONAL AMENDMENT
TO AUTHORIZE A CASINO IN CLINTON COUNTY, OHIO
(Proposed by Initiative Petition)**

To add a new Section 6a to Article XV of the Ohio Constitution

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.

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

League Explanation of Issue 6: This amendment would authorize a privately-owned casino in Clinton County.

1. The operator would be required to pay a tax of up to 30% annually on gross casino receipts. "Gross casino receipts" excludes payments to winners. The tax would be allocated in the following ways:
 - The Ohio General Assembly would have the authority to determine a reasonable amount to be used to fund a Gaming Regulatory Commission, and receipts will be used to pay the expenses of administering the tax.
 - Up to 1% of the tax collected would be used to fund prevention and treatment programs for gambling addicts.
 - Following those expenditures, 10% percent of any remaining casino tax receipts would be distributed to Clinton County, and the remaining receipts distributed among all 88 Ohio counties on a per capita basis, to be used as each county sees fit.
2. If another casino were permitted in Ohio, the tax on the Clinton County casino would drop to 25% of the gross casino receipts *or* the rate paid by the additional casino, whichever is less.
3. The casino operator must make a minimum initial investment of \$600 million for the development of a destination resort that would include the casino, a hotel and other related amenities.
4. The state may establish an initial license fee not to exceed \$15 million, which will be credited against the first \$15 million of taxes on gross casino receipts. There can be no further licensing fees for the Clinton County casino.
5. The state may not limit the amounts of the wagers or the hours of operation. The casino may conduct any type of card or table games, slot machines or electronic gaming devices permitted by the state of Nevada and states adjacent to Ohio, except bets on races or sporting events.
6. Persons must be 21 years old to place wagers at the casino.

Proponents of the proposed amendment argue that:

1. Thirty-eight states—including Kentucky, Indiana, Michigan, and Pennsylvania—have casino gambling. By authorizing a casino in Ohio, the profits could benefit our state rather than other states.
2. All counties in Ohio may receive tax revenue generated by the casino, and each county can decide how to best spend its money
3. The casino will also be required to pay all other applicable taxes.
4. The casino will create jobs in Clinton County.
5. The casino will stimulate the economy by adding restaurants, hotels and ancillary businesses.

Opponents of the proposed amendment argue that:

1. The Ohio general revenue fund, which supports basic services for Ohioans, will get \$0 from the gross casino receipts tax.
2. If an additional casino were an Indian casino, which is exempt from taxes, the Clinton County casino might not pay any taxes, either, on the gross casino receipts.
3. Ohioans may spend money at the casino they would have spent at other existing Ohio businesses such as restaurants, movies, or sports events, adversely impacting those businesses.
4. Ohio lottery profits, currently dedicated to education, may decrease because people will gamble at the casino instead of playing the lottery.
5. The number of gambling addicts in Ohio would increase, and the tax receipts dedicated to providing treatment for addicts (0.3% of gross casino receipts) could be insufficient.

Websites

In support of the proposed amendment: My Ohio Now (<http://www.yesonissue6.com/>)

In opposition to the proposed amendment: Vote No Casinos (www.votenocasinos.com)