

Issue 1

Creates a bipartisan, public process for drawing legislative districts

Proposed Constitutional Amendment

Proposed by Joint Resolution of the General Assembly

To enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio.

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- End the partisan process for drawing Ohio House and Senate districts, and replace it with a bipartisan process with the goal of having district boundaries that are more compact and politically competitive.
- Ensure a transparent process by requiring public meetings, public display of maps, and a public letter explaining any plan the Commission adopts by a simple majority vote.
- Establish the bipartisan Ohio Redistricting Commission, composed of 7 members including the Governor, the Auditor of State, the Secretary of State, and 4 members appointed by the majority and minority leaders of the General Assembly.
- Require a bipartisan majority vote of 4 members in order to adopt any final district plan, and prevent deadlock by limiting the length of time any plan adopted without bipartisan support is effective.

If passed, the amendment will become effective immediately.

	YES	SHALL THE AMENDMENT BE APPROVED?
	NO	

Issue 1: Ohio Redistricting Commission

The Ohio Constitution allows member of the General Assembly to pass a joint resolution, by a three-fifths vote in favor, for inclusion as an issue on the general election ballot. House Joint Resolution (“H.J.R.”) 12 was enacted on December 17, 2014 by the Ohio General Assembly and will appear on the November 2015 ballot as Issue 1.

Issue 1 creates the Ohio Redistricting Commission for the purpose of drawing General Assembly districts. The Commission will consist of seven members: the Governor, Auditor of State, Secretary of State, one person appointed by the Speaker of the House of Representatives, one person appointed by the House Minority Leader, one person appointed by the Senate President, and one person appointed by the Senate Minority Leader.

Two Co-Chairpersons of the Commission will be selected by the legislative leaders in the Senate and House of Representatives, acting jointly by political party.

The Commission will convene every 10 years – in years ending in the numeral one – for the purpose of drawing new lines for General Assembly districts. Issue 1 requires the Commission to make a draft plan available to the public and, before adopting the plan, to conduct a minimum of three public hearings to gain public input on the proposed plan.

For a plan to be adopted for the full 10-year term, it must receive the affirmative vote of four members of the Commission, including two minority party members. A plan must be adopted by September 1.

If the Commission fails to adopt a plan with bipartisan support by September 1, the Commission must introduce a proposed General Assembly district plan by a simple majority vote of the Commission and hold an additional public hearing. This plan must be voted on by September 15. If the plan achieves an affirmative vote of four members, including two minority party members, the plan becomes effective for 10 years. If the plan is approved by a simple majority (without the required two votes from the minority party) then the plan is effective “until two elections for the House of Representatives has occurred under the plan” – or four years. At that point, the Commission reconvenes to redraw the districts.

In addition to detailing the process for the work of the Ohio Redistricting Commission, Issue 1 also outlines and provides guidance for the map-drawing process. This includes requiring minimizing splits of political subdivisions, stating that no plan “shall be drawn primarily to favor or disfavor a political party,” and providing that district shall be compact.

Issue 2

Anti-monopoly amendment; protects the initiative process from being used for personal economic benefit

Proposed Constitutional Amendment

Proposed by Joint Resolution of the General Assembly

Proposing to amend Section 1e of Article II of the Constitution of the State of Ohio.

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- Prohibit any petitioner from using the Ohio Constitution to grant a monopoly, oligopoly, or cartel for their exclusive financial benefit or to establish a preferential tax status.
- Prohibit any petitioner from using the Ohio Constitution to grant a commercial interest, right, or license that is not available to similarly situated persons or nonpublic entities.
- Require the bipartisan Ohio Ballot Board to determine if a proposed constitutional amendment violates the prohibitions above, and if it does, present two separate ballot questions to voters. Both ballot questions must receive a majority yes vote before the proposed amendment could take effect.
- Prohibit from taking effect any proposed constitutional amendment appearing on the November 3, 2015 General Election ballot that creates a monopoly, oligopoly, or cartel for the sale, distribution, or other use of any federal Schedule I controlled substance.
- The Ohio Supreme Court has original, exclusive jurisdiction in any action related to the proposal.

If passed, the amendment will become effective immediately.

	YES	SHALL THE AMENDMENT BE APPROVED?
	NO	

Issue 2: Anti-Monopoly Amendment

House Joint Resolution 4 was passed by the Ohio General Assembly in late June 2015. Now referred to as Issue 2, this measure proposes to amend Article II, §1e of the Ohio Constitution to so that “the power of the initiative shall not be used to pass an amendment to this constitution that would grant or create a monopoly, oligopoly, or cartel, specify or determine a tax rate, or confer a commercial interest, commercial right, or commercial license” to any person, nonpublic entity or group of persons or nonpublic entities, that is not available to other similarly situated persons or nonpublic entities.

If, in the opinion of the Ohio Ballot Board, a proposed initiative would violate the prohibition in (B)(1), the Ballot Board must prescribe two separate questions to appear on the ballot. The first question shall ask:

”Shall the petitioner, in violation of division (B)(1) of Section 1e of Article II of the Ohio Constitution, be authorized to initiate a constitutional amendment that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?”

The second question shall describe the proposed amendment.

Only if both questions are approved or affirmed by a majority of the electors voting on them will the constitutional amendment take effect.

In addition, Issue 2 also contains language specific to the November 3, 2015 ballot. Issue 2 states that, if at the general election on November 3, 2015, the electors approve a proposed constitutional amendment that “creates a monopoly, oligopoly or cartel for the sale, distribution, or other use of any federal Schedule 1 controlled substance,” then that entire proposed constitutional amendment shall not take effect. This language is intended to prevent the enactment of Issue 3, if both Issue 2 and Issue 3 are approved by voters in November.

Issue 3

Grants a monopoly for the commercial production and sale of marijuana for recreational and medicinal purposes

Proposed Constitutional Amendment

Proposed by Initiative Petition

To add Section 12 of Article XV of the Constitution of the State of Ohio.

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- Endow exclusive rights for commercial marijuana growth, cultivation, and extraction to self-designated landowners who own ten predetermined parcels of land in Butler, Clermont, Franklin, Hamilton, Licking, Lorain, Lucas, Delaware, Stark, and Summit Counties. One additional growth facility may be allowed for in four years only if existing facilities cannot meet consumer demand.
- Permit retail sale of recreational marijuana at approximately 1,100 locations statewide. Such retail establishments must have a state license that may be obtained only if the electors of the precinct where the store will be located approve the use of the location for such purpose at a local option election.
- Legalize the production of marijuana-infused products, including edible products, concentrates, sprays, ointments and tinctures by marijuana product manufacturing facilities.
- Allow each person, 21 years of age or older, to, grow, cultivate, use, possess, and share up to eight ounces of usable homegrown marijuana plus four flowering marijuana plants if the person holds a valid state license. Allow each person, 21 years of age or older, to purchase, possess, transport, use, and share up to 1 ounce of marijuana for recreational use. Authorize the use of medical marijuana by any person, regardless of age, who has a certification for a debilitating medical condition.
- Prohibit marijuana establishments within 1,000 feet of a house of worship, public library, public or chartered elementary or secondary school, state-licensed day-care center, or public playground, however: after a certain date, a new day-care, library, etc., cannot force a preexisting marijuana establishment to relocate by opening a new location within 1,000 feet of the business.

- Prohibit any local or state law, including zoning laws, from being applied to prohibit the development or operation of marijuana growth, cultivation, and extraction facilities, retail marijuana stores, and medical marijuana dispensaries unless the area is zoned exclusively residential as of January 1, 2015 or as of the date that an application for a license is first filed for a marijuana establishment.
- Create a special tax rate limited to 15% on gross revenue of each marijuana growth, cultivation, and extraction facility and marijuana product manufacturing facility and a special tax rate limited to 5% on gross revenue of each retail marijuana store. Revenues from the tax go to a municipal and township government fund, a strong county fund, and the marijuana control commission fund.
- Create a marijuana incubator in Cuyahoga County to promote growth and development of the marijuana industry and locate marijuana testing facilities near colleges and universities in Athens, Cuyahoga, Lorain, Mahoning, Scioto and Wood Counties, at a minimum.
- Limit the ability of the legislature and local governments from regulating the manufacture, sales, distribution and use of marijuana and marijuana products. Create a new state government agency called the marijuana control commission (with limited authority) to regulate the industry, comprised of seven Ohio residents appointed by the Governor, including a physician, a law enforcement officer, an administrative law attorney, a patient advocate, a resident experienced in owning, developing, managing and operating businesses, a resident with experience in the legal marijuana industry, and a member of the public.

	YES	SHALL THE AMENDMENT BE APPROVED?
	NO	

Issue 3: Marijuana Legalization

Issue 3 is a citizen-initiated constitutional amendment sponsored by ResponsibleOhio. It proposes to amend the Ohio Constitution to authorize the “Legalization, Regulation and Taxation of Medical and Personal Use of Marijuana.”

Medical Marijuana

Issue 3 proposes to allow patients with debilitating medical conditions to obtain and use medical marijuana with a medical marijuana certification issued by a treating physician if the physician determines use is reasonable and the physician has explained the risks and benefits of use to the patient. Licensed caregivers can assist patients in using medical marijuana; parental or guardian consent is required for patients under 18. Medical marijuana would only be dispensed and sold to patients and caregivers by not-for-profit licensed dispensaries. Issue 3 would not require health insurance providers or government agencies to reimburse or cover the use of medical marijuana.

Personal Use and Home-Growing

Persons 21 and older could obtain, use, and share with others 21 or over up to one ounce of marijuana or the equivalent in marijuana-infused products. In addition, a licensed person 21 or older could grow, use, and share four homegrown marijuana plants and 8 ounces of homegrown marijuana at a time. Home-growing must take place in an enclosed, locked space inaccessible to those under 21.

Taxation

Issue 3 proposes a 15% tax on gross revenue of marijuana growth, cultivation and extraction facilities and marijuana products manufacturing facilities, and a 5% tax on gross revenue of retail marijuana stores. These taxes are in addition to the commercial activity tax and any local business taxes, assessments, fees and charges. Dispensaries would be subject to tax laws applicable to not-for-profit organizations. The amendment would prohibit additional taxes, assessments, fees or charges.

Tax revenues would be allocated 55% to a Municipal and Township Government Stabilization Fund for public safety and health expenditures and infrastructure improvements; 30% to a Strong County Fund for the same uses as above; 15% to the Marijuana Control Commission Fund for operations, funding a marijuana innovation and business incubator, paying for mental health and addiction prevention and treatment, and, if the Commission elects, operating dispensaries and providing low-cost medical marijuana to qualifying patients.

Marijuana Growth, Cultivation & Extraction Facilities

Issue 3 would authorize 10 licensed growing facilities at pre-selected locations in Ohio. Each facility regulated by the Commission would pay an operating license and initial licensing fee of \$100,000.

Marijuana Product Manufacturing Facilities

Marijuana-infused products may only be made and packaged at licensed facilities regulated by the Commission, which would issue rules on chemical content and/or potency. The Commission

must also issue advertising standards to avoid “creat[ing] a substantial risk of attractiveness” of such products to children.

Marijuana Retail Stores

Issue 3 would authorize marijuana and marijuana-infused products to be sold to persons 21 or older in licensed retail marijuana stores. These stores may only sell stock from licensed growing and product manufacturing facilities, and marijuana accessories and related products. Marijuana cannot be consumed at retail stores. Retail stores may not sell marijuana products below wholesale prices.

The number of retail stores would be based on one for each 10,000 people based on census data, revised annually. Municipalities can exercise a local option to approve or disapprove a store location.

Marijuana Control Commission

A 7-member Marijuana Control Commission (“Commission”) would license, regulate, make rules and conduct annual audits of licensed marijuana establishments. The Commission would consist of gubernatorial appointments of persons who have not held elected office in the last 8 years, to include a physician, a law enforcement officer, an attorney experienced in administrative law, a patient advocate, a resident with demonstrated business experience, a resident with demonstrated experience in the legal marijuana industry, and a public member.

General Provisions and Specific Limitations

Marijuana retail stores, growing, and manufacturing facilities, and dispensaries may not be located within 1,000 feet of a house of worship, publicly-owned library, elementary or secondary school, state licensed child day-care center, public playground, or playground connected with one of the foregoing building structures. This restriction applies to structures in existence on or before January 1, 2015 for growing facilities or on the date of the license application for manufacturing facilities, retail stores, or dispensaries.

Marijuana products cannot be consumed in public places or at schools, day-care centers, correctional facilities, or in vehicles, aircraft, trains or boats.

Employers are not required to permit or accommodate the use of medical marijuana or marijuana in the workplace and may restrict use of marijuana products by employees, except for medical marijuana patients.

A person under 21 or one who has been convicted of a felony in the past 5 years may not have an ownership interest, or be an officer or director of, a marijuana establishment.

Persons under 21 may not enter a marijuana establishment, except for medical marijuana patients between the ages of 18 and 21.

Growing and manufacturing facilities may not sell products directly to consumers, nor may retail stores and dispensaries be located at growing or manufacturing facilities.