

**As Passed by the House**

**127th General Assembly  
Regular Session  
2007-2008**

**Am. H. B. No. 286**

**Representatives Sykes, Batchelder**

**Cosponsors: Representatives Celeste, Luckie, Collier, Bacon, Webster,  
Strahorn, Williams, S., Healy, Evans, Harwood, Huffman, Fessler, Otterman,  
Brown, Mallory, Schindel, Daniels, Stewart, D., Domenick, Flowers, Blessing,  
Boyd, Budish, Chandler, Combs, DeBose, Dyer, Foley, Gerberry, Gibbs,  
Goyal, Hagan, J., Hagan, R., Heard, Hughes, Letson, McGregor, J.,  
McGregor, R., Oelslager, Setzer, Skindell, Slesnick, Szollosi, Yates, Yuko**

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**A B I L L**

To amend sections 119.03 and 3519.01 of the Revised 1  
Code to require the committee named in an 2  
initiative petition to file, at the time the 3  
petition is filed, a statement identifying the 4  
petitioner's intent in proposing the initiated 5  
statute or constitutional amendment and to permit 6  
the Joint Committee on Agency Rule Review to 7  
recommend that a proposed rule be invalidated if 8  
the proposed rule conflicts with the petitioners' 9  
intent in adopting the statute or constitutional 10  
amendment on which the rule is based. 11

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 119.03 and 3519.01 of the Revised 12  
Code be amended to read as follows: 13

**Sec. 119.03.** In the adoption, amendment, or rescission of any 14

rule, an agency shall comply with the following procedure: 15

(A) Reasonable public notice shall be given in the register 16  
of Ohio at least thirty days prior to the date set for a hearing, 17  
in the form the agency determines. The agency shall file copies of 18  
the public notice under division (B) of this section. (The agency 19  
gives public notice in the register of Ohio when the public notice 20  
is published in the register under that division.) 21

The public notice shall include: 22

(1) A statement of the agency's intention to consider 23  
adopting, amending, or rescinding a rule; 24

(2) A synopsis of the proposed rule, amendment, or rule to be 25  
rescinded or a general statement of the subject matter to which 26  
the proposed rule, amendment, or rescission relates; 27

(3) A statement of the reason or purpose for adopting, 28  
amending, or rescinding the rule; 29

(4) The date, time, and place of a hearing on the proposed 30  
action, which shall be not earlier than the thirty-first nor later 31  
than the fortieth day after the proposed rule, amendment, or 32  
rescission is filed under division (B) of this section. 33

In addition to public notice given in the register of Ohio, 34  
the agency may give whatever other notice it reasonably considers 35  
necessary to ensure notice constructively is given to all persons 36  
who are subject to or affected by the proposed rule, amendment, or 37  
rescission. 38

The agency shall provide a copy of the public notice required 39  
under division (A) of this section to any person who requests it 40  
and pays a reasonable fee, not to exceed the cost of copying and 41  
mailing. 42

(B) The full text of the proposed rule, amendment, or rule to 43  
be rescinded, accompanied by the public notice required under 44

division (A) of this section, shall be filed in electronic form 45  
with the secretary of state and with the director of the 46  
legislative service commission. (If in compliance with this 47  
division an agency files more than one proposed rule, amendment, 48  
or rescission at the same time, and has prepared a public notice 49  
under division (A) of this section that applies to more than one 50  
of the proposed rules, amendments, or rescissions, the agency 51  
shall file only one notice with the secretary of state and with 52  
the director for all of the proposed rules, amendments, or 53  
rescissions to which the notice applies.) The proposed rule, 54  
amendment, or rescission and public notice shall be filed as 55  
required by this division at least sixty-five days prior to the 56  
date on which the agency, in accordance with division (D) of this 57  
section, issues an order adopting the proposed rule, amendment, or 58  
rescission. 59

If the proposed rule, amendment, or rescission incorporates a 60  
text or other material by reference, the agency shall comply with 61  
sections 121.71 to 121.76 of the Revised Code. 62

The proposed rule, amendment, or rescission shall be 63  
available for at least thirty days prior to the date of the 64  
hearing at the office of the agency in printed or other legible 65  
form without charge to any person affected by the proposal. 66  
Failure to furnish such text to any person requesting it shall not 67  
invalidate any action of the agency in connection therewith. 68

If the agency files a substantive revision in the text of the 69  
proposed rule, amendment, or rescission under division (H) of this 70  
section, it shall also promptly file the full text of the proposed 71  
rule, amendment, or rescission in its revised form in electronic 72  
form with the secretary of state and with the director of the 73  
legislative service commission. 74

The agency shall file the rule summary and fiscal analysis 75  
prepared under section 121.24 or 127.18 of the Revised Code, or 76

both, in electronic form along with a proposed rule, amendment, or 77  
rescission or proposed rule, amendment, or rescission in revised 78  
form that is filed with the secretary of state or the director of 79  
the legislative service commission. 80

The director of the legislative service commission shall 81  
publish in the register of Ohio the full text of the original and 82  
each revised version of a proposed rule, amendment, or rescission; 83  
the full text of a public notice; and the full text of a rule 84  
summary and fiscal analysis that is filed with the director under 85  
this division. 86

(C) On the date and at the time and place designated in the 87  
notice, the agency shall conduct a public hearing at which any 88  
person affected by the proposed action of the agency may appear 89  
and be heard in person, by the person's attorney, or both, may 90  
present the person's position, arguments, or contentions, orally 91  
or in writing, offer and examine witnesses, and present evidence 92  
tending to show that the proposed rule, amendment, or rescission, 93  
if adopted or effectuated, will be unreasonable or unlawful. An 94  
agency may permit persons affected by the proposed rule, 95  
amendment, or rescission to present their positions, arguments, or 96  
contentions in writing, not only at the hearing, but also for a 97  
reasonable period before, after, or both before and after the 98  
hearing. A person who presents a position or arguments or 99  
contentions in writing before or after the hearing is not required 100  
to appear at the hearing. 101

At the hearing, the testimony shall be recorded. Such record 102  
shall be made at the expense of the agency. The agency is required 103  
to transcribe a record that is not sight readable only if a person 104  
requests transcription of all or part of the record and agrees to 105  
reimburse the agency for the costs of the transcription. An agency 106  
may require the person to pay in advance all or part of the cost 107  
of the transcription. 108

In any hearing under this section the agency may administer oaths or affirmations. 109  
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(D) After complying with divisions (A), (B), (C), and (H) of this section, and when the time for legislative review and invalidation under division (I) of this section has expired, the agency may issue an order adopting the proposed rule or the proposed amendment or rescission of the rule, consistent with the synopsis or general statement included in the public notice. At that time the agency shall designate the effective date of the rule, amendment, or rescission, which shall not be earlier than the tenth day after the rule, amendment, or rescission has been filed in its final form as provided in section 119.04 of the Revised Code. 111  
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(E) Prior to the effective date of a rule, amendment, or rescission, the agency shall make a reasonable effort to inform those affected by the rule, amendment, or rescission and to have available for distribution to those requesting it the full text of the rule as adopted or as amended. 122  
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(F) If the governor, upon the request of an agency, determines that an emergency requires the immediate adoption, amendment, or rescission of a rule, the governor shall issue an order, the text of which shall be filed in electronic form with the agency, the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review, that the procedure prescribed by this section with respect to the adoption, amendment, or rescission of a specified rule is suspended. The agency may then adopt immediately the emergency rule, amendment, or rescission and it becomes effective on the date the rule, amendment, or rescission, in final form and in compliance with division (A)(2) of section 119.04 of the Revised Code, ~~are~~ is filed in electronic form with the secretary of state, the director of the legislative service commission, and 127  
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the joint committee on agency rule review. If all filings are not 141  
completed on the same day, the emergency rule, amendment, or 142  
rescission shall be effective on the day on which the latest 143  
filing is completed. The director shall publish the full text of 144  
the emergency rule, amendment, or rescission in the register of 145  
Ohio. 146

The emergency rule, amendment, or rescission shall become 147  
invalid at the end of the ninetieth day it is in effect. Prior to 148  
that date the agency may adopt the emergency rule, amendment, or 149  
rescission as a nonemergency rule, amendment, or rescission by 150  
complying with the procedure prescribed by this section for the 151  
adoption, amendment, and rescission of nonemergency rules. The 152  
agency shall not use the procedure of this division to readopt the 153  
emergency rule, amendment, or rescission so that, upon the 154  
emergency rule, amendment, or rescission becoming invalid under 155  
this division, the emergency rule, amendment, or rescission will 156  
continue in effect without interruption for another ninety-day 157  
period, except when division (I)(2)(a) of this section prevents 158  
the agency from adopting the emergency rule, amendment, or 159  
rescission as a nonemergency rule, amendment, or rescission within 160  
the ninety-day period. 161

This division does not apply to the adoption of any emergency 162  
rule, amendment, or rescission by the tax commissioner under 163  
division (C)(2) of section 5117.02 of the Revised Code. 164

(G) Rules adopted by an authority within the department of 165  
job and family services for the administration or enforcement of 166  
Chapter 4141. of the Revised Code or of the department of taxation 167  
shall be effective without a hearing as provided by this section 168  
if the statutes pertaining to such agency specifically give a 169  
right of appeal to the board of tax appeals or to a higher 170  
authority within the agency or to a court, and also give the 171  
appellant a right to a hearing on such appeal. This division does 172

not apply to the adoption of any rule, amendment, or rescission by 173  
the tax commissioner under division (C)(1) or (2) of section 174  
5117.02 of the Revised Code, or deny the right to file an action 175  
for declaratory judgment as provided in Chapter 2721. of the 176  
Revised Code from the decision of the board of tax appeals or of 177  
the higher authority within such agency. 178

(H) When any agency files a proposed rule, amendment, or 179  
rescission under division (B) of this section, it shall also file 180  
in electronic form with the joint committee on agency rule review 181  
the full text of the proposed rule, amendment, or rule to be 182  
rescinded in the same form and the public notice required under 183  
division (A) of this section. (If in compliance with this division 184  
an agency files more than one proposed rule, amendment, or 185  
rescission at the same time, and has given a public notice under 186  
division (A) of this section that applies to more than one of the 187  
proposed rules, amendments, or rescissions, the agency shall file 188  
only one notice with the joint committee for all of the proposed 189  
rules, amendments, or rescissions to which the notice applies.) If 190  
the agency makes a substantive revision in a proposed rule, 191  
amendment, or rescission after it is filed with the joint 192  
committee, the agency shall promptly file the full text of the 193  
proposed rule, amendment, or rescission in its revised form in 194  
electronic form with the joint committee. The latest version of a 195  
proposed rule, amendment, or rescission as filed with the joint 196  
committee supersedes each earlier version of the text of the same 197  
proposed rule, amendment, or rescission. An agency shall file the 198  
rule summary and fiscal analysis prepared under section 121.24 or 199  
127.18 of the Revised Code, or both, in electronic form along with 200  
a proposed rule, amendment, or rescission, and along with a 201  
proposed rule, amendment, or rescission in revised form, that is 202  
filed under this division. 203

This division does not apply to: 204

(1) An emergency rule, amendment, or rescission;	205
(2) Any proposed rule, amendment, or rescission that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	206 207 208 209 210 211
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	212 213
(b) A citation to the federal law or rule that requires verbatim compliance.	214 215
If a rule or amendment is exempt from legislative review under division (H)(2) of this section, and if the federal law or rule pursuant to which the rule or amendment was adopted expires, is repealed or rescinded, or otherwise terminates, the rule or amendment, or its rescission, is thereafter subject to legislative review under division (H) of this section.	216 217 218 219 220 221
(I)(1) The joint committee on agency rule review may recommend the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof if it finds any of the following:	222 223 224 225
(a) That the rule-making agency has exceeded the scope of its statutory authority in proposing the rule, amendment, or rescission;	226 227 228
(b) That the proposed rule, amendment, or rescission conflicts with another rule, amendment, or rescission adopted by the same or a different rule-making agency;	229 230 231
(c) That the proposed rule, amendment, or rescission conflicts with the legislative intent in enacting the statute under which the rule-making agency proposed the rule, amendment,	232 233 234

or rescission, if the statute was enacted by the general assembly+ 235

(d) , or, that the proposed rule, amendment, or rescission 236  
conflicts with the petitioners' intent in enacting the statute or 237  
constitutional amendment under which the rule-making agency 238  
proposed the rule, amendment, or rescission, if the statute or 239  
constitutional amendment was enacted by initiative under Section 240  
1a or 1b of Article II of the Ohio Constitution; 241

(d) That the rule-making agency has failed to prepare a 242  
complete and accurate rule summary and fiscal analysis of the 243  
proposed rule, amendment, or rescission as required by section 244  
121.24 or 127.18 of the Revised Code, or both, or that the 245  
proposed rule, amendment, or rescission incorporates a text or 246  
other material by reference and either the rule-making agency has 247  
failed to file the text or other material incorporated by 248  
reference as required by section 121.73 of the Revised Code or, in 249  
the case of a proposed rule or amendment, the incorporation by 250  
reference fails to meet the standards stated in section 121.72, 251  
121.75, or 121.76 of the Revised Code. 252

The joint committee shall not hold its public hearing on a 253  
proposed rule, amendment, or rescission earlier than the 254  
forty-first day after the original version of the proposed rule, 255  
amendment, or rescission was filed with the joint committee. 256

The house of representatives and senate may adopt a 257  
concurrent resolution invalidating a proposed rule, amendment, 258  
rescission, or part thereof. The concurrent resolution shall state 259  
which of the specific rules, amendments, rescissions, or parts 260  
thereof are invalidated. A concurrent resolution invalidating a 261  
proposed rule, amendment, or rescission shall be adopted not later 262  
than the sixty-fifth day after the original version of the text of 263  
the proposed rule, amendment, or rescission is filed with the 264  
joint committee, except that if more than thirty-five days after 265  
the original version is filed the rule-making agency either files 266

a revised version of the text of the proposed rule, amendment, or 267  
rescission, or revises the rule summary and fiscal analysis in 268  
accordance with division (I)(4) of this section, a concurrent 269  
resolution invalidating the proposed rule, amendment, or 270  
rescission shall be adopted not later than the thirtieth day after 271  
the revised version of the proposed rule or rule summary and 272  
fiscal analysis is filed. If, after the joint committee on agency 273  
rule review recommends the adoption of a concurrent resolution 274  
invalidating a proposed rule, amendment, rescission, or part 275  
thereof, the house of representatives or senate does not, within 276  
the time remaining for adoption of the concurrent resolution, hold 277  
five floor sessions at which its journal records a roll call vote 278  
disclosing a sufficient number of members in attendance to pass a 279  
bill, the time within which that house may adopt the concurrent 280  
resolution is extended until it has held five such floor sessions. 281

Within five days after the adoption of a concurrent 282  
resolution invalidating a proposed rule, amendment, rescission, or 283  
part thereof, the clerk of the senate shall send the rule-making 284  
agency, the secretary of state, and the director of the 285  
legislative service commission in electronic form a certified text 286  
of the resolution together with a certification stating the date 287  
on which the resolution takes effect. The secretary of state and 288  
the director of the legislative service commission shall each note 289  
the invalidity of the proposed rule, amendment, rescission, or 290  
part thereof, and shall each remove the invalid proposed rule, 291  
amendment, rescission, or part thereof from the file of proposed 292  
rules. The rule-making agency shall not proceed to adopt in 293  
accordance with division (D) of this section, or to file in 294  
accordance with division (B)(1) of section 111.15 of the Revised 295  
Code, any version of a proposed rule, amendment, rescission, or 296  
part thereof that has been invalidated by concurrent resolution. 297

Unless the house of representatives and senate adopt a 298

concurrent resolution invalidating a proposed rule, amendment, 299  
rescission, or part thereof within the time specified by this 300  
division, the rule-making agency may proceed to adopt in 301  
accordance with division (D) of this section, or to file in 302  
accordance with division (B)(1) of section 111.15 of the Revised 303  
Code, the latest version of the proposed rule, amendment, or 304  
rescission as filed with the joint committee. If by concurrent 305  
resolution certain of the rules, amendments, rescissions, or parts 306  
thereof are specifically invalidated, the rule-making agency may 307  
proceed to adopt, in accordance with division (D) of this section, 308  
or to file in accordance with division (B)(1) of section 111.15 of 309  
the Revised Code, the latest version of the proposed rules, 310  
amendments, rescissions, or parts thereof as filed with the joint 311  
committee that are not specifically invalidated. The rule-making 312  
agency may not revise or amend any proposed rule, amendment, 313  
rescission, or part thereof that has not been invalidated except 314  
as provided in this chapter or in section 111.15 of the Revised 315  
Code. 316

(2)(a) A proposed rule, amendment, or rescission that is 317  
filed with the joint committee under division (H) of this section 318  
or division (D) of section 111.15 of the Revised Code shall be 319  
carried over for legislative review to the next succeeding regular 320  
session of the general assembly if the original or any revised 321  
version of the proposed rule, amendment, or rescission is filed 322  
with the joint committee on or after the first day of December of 323  
any year. 324

(b) The latest version of any proposed rule, amendment, or 325  
rescission that is subject to division (I)(2)(a) of this section, 326  
as filed with the joint committee, is subject to legislative 327  
review and invalidation in the next succeeding regular session of 328  
the general assembly in the same manner as if it were the original 329  
version of a proposed rule, amendment, or rescission that had been 330

filed with the joint committee for the first time on the first day 331  
of the session. A rule-making agency shall not adopt in accordance 332  
with division (D) of this section, or file in accordance with 333  
division (B)(1) of section 111.15 of the Revised Code, any version 334  
of a proposed rule, amendment, or rescission that is subject to 335  
division (I)(2)(a) of this section until the time for legislative 336  
review and invalidation, as contemplated by division (I)(2)(b) of 337  
this section, has expired. 338

(3) Invalidation of any version of a proposed rule, 339  
amendment, rescission, or part thereof by concurrent resolution 340  
shall prevent the rule-making agency from instituting or 341  
continuing proceedings to adopt any version of the same proposed 342  
rule, amendment, rescission, or part thereof for the duration of 343  
the general assembly that invalidated the proposed rule, 344  
amendment, rescission, or part thereof unless the same general 345  
assembly adopts a concurrent resolution permitting the rule-making 346  
agency to institute or continue such proceedings. 347

The failure of the general assembly to invalidate a proposed 348  
rule, amendment, rescission, or part thereof under this section 349  
shall not be construed as a ratification of the lawfulness or 350  
reasonableness of the proposed rule, amendment, rescission, or any 351  
part thereof or of the validity of the procedure by which the 352  
proposed rule, amendment, rescission, or any part thereof was 353  
proposed or adopted. 354

(4) In lieu of recommending a concurrent resolution to 355  
invalidate a proposed rule, amendment, rescission, or part thereof 356  
because the rule-making agency has failed to prepare a complete 357  
and accurate fiscal analysis, the joint committee on agency rule 358  
review may issue, on a one-time basis, for rules, amendments, 359  
rescissions, or parts thereof that have a fiscal effect on school 360  
districts, counties, townships, or municipal corporations, a 361  
finding that the rule summary and fiscal analysis is incomplete or 362

inaccurate and order the rule-making agency to revise the rule 363  
summary and fiscal analysis and refile it with the proposed rule, 364  
amendment, rescission, or part thereof. If an emergency rule is 365  
filed as a nonemergency rule before the end of the ninetieth day 366  
of the emergency rule's effectiveness, and the joint committee 367  
issues a finding and orders the rule-making agency to refile under 368  
division (I)(4) of this section, the governor may also issue an 369  
order stating that the emergency rule shall remain in effect for 370  
an additional sixty days after the ninetieth day of the emergency 371  
rule's effectiveness. The governor's orders shall be filed in 372  
accordance with division (F) of this section. The joint committee 373  
shall send in electronic form to the rule-making agency, the 374  
secretary of state, and the director of the legislative service 375  
commission a certified text of the finding and order to revise the 376  
rule summary and fiscal analysis, which shall take immediate 377  
effect. 378

An order issued under division (I)(4) of this section shall 379  
prevent the rule-making agency from instituting or continuing 380  
proceedings to adopt any version of the proposed rule, amendment, 381  
rescission, or part thereof until the rule-making agency revises 382  
the rule summary and fiscal analysis and refiles it in electronic 383  
form with the joint committee along with the proposed rule, 384  
amendment, rescission, or part thereof. If the joint committee 385  
finds the rule summary and fiscal analysis to be complete and 386  
accurate, the joint committee shall issue a new order noting that 387  
the rule-making agency has revised and refiled a complete and 388  
accurate rule summary and fiscal analysis. The joint committee 389  
shall send in electronic form to the rule-making agency, the 390  
secretary of state, and the director of the legislative service 391  
commission a certified text of this new order. The secretary of 392  
state and the director of the legislative service commission shall 393  
each link this order to the proposed rule, amendment, rescission, 394  
or part thereof. The rule-making agency may then proceed to adopt 395

in accordance with division (D) of this section, or to file in 396  
accordance with division (B)(1) of section 111.15 of the Revised 397  
Code, the proposed rule, amendment, rescission, or part thereof 398  
that was subject to the finding and order under division (I)(4) of 399  
this section. If the joint committee determines that the revised 400  
rule summary and fiscal analysis is still inaccurate or 401  
incomplete, the joint committee shall recommend the adoption of a 402  
concurrent resolution in accordance with division (I)(1) of this 403  
section. 404

(J) As used in this section, "petitioners' intent" means the 405  
intent of a majority of the members the committee established in 406  
section 3519.02 of the Revised Code to represent the petitioners 407  
for the applicable initiated statute or constitutional amendment 408  
as expressed in the statement of intent filed under section 409  
3519.01 of the Revised Code. 410

**Sec. 3519.01.** (A) Only one proposal of law or constitutional 411  
amendment to be proposed by initiative petition shall be contained 412  
in an initiative petition to enable the voters to vote on that 413  
proposal separately. A petition shall include the text of any 414  
existing statute or constitutional provision that would be amended 415  
or repealed if the proposed law or constitutional amendment is 416  
adopted. 417

Whoever seeks to propose a law or constitutional amendment by 418  
initiative petition shall, by a written petition signed by one 419  
thousand qualified electors, submit the proposed law or 420  
constitutional amendment and a summary of it to the attorney 421  
general for examination. Within The petitioners also shall submit 422  
with the proposed law or constitutional amendment and summary a 423  
statement of intent that specifies the intent of a majority of the 424  
members of the committee named in the submitted petition. 425

Within ten days after the receipt of the written petition and 426

the summary of it, the attorney general shall conduct an 427  
examination of the summary. If, in the opinion of the attorney 428  
general, the summary is a fair and truthful statement of the 429  
proposed law or constitutional amendment, the attorney general 430  
shall so certify and then forward the submitted petition to the 431  
Ohio ballot board for its approval under division (A) of section 432  
3505.062 of the Revised Code. If the Ohio ballot board returns the 433  
submitted petition to the attorney general with its certification 434  
as described in that division, the attorney general shall then 435  
file with the secretary of state a verified copy of the proposed 436  
law or constitutional amendment ~~together with~~, its summary ~~and~~, 437  
the attorney general's certification , and the statement of intent 438  
filed by the petitioners. 439

Whenever the Ohio ballot board divides an initiative petition 440  
into individual petitions containing only proposed law or 441  
constitutional amendment under division (A) of section 3505.062 of 442  
the Revised Code resulting in the need for the petitioners to 443  
resubmit to the attorney general appropriate summaries for each of 444  
the individual petitions arising from the board's division of the 445  
initiative petition, the attorney general shall review the 446  
resubmitted summaries, within ten days after their receipt, to 447  
determine if they are a fair and truthful statement of the 448  
respective proposed laws or constitutional amendments and, if so, 449  
certify them. These resubmissions shall contain no new 450  
explanations or arguments but may contain separate statements of 451  
intent for each divided petition. Then, the attorney general shall 452  
file with the secretary of state a verified copy of each of the 453  
proposed laws or constitutional amendments ~~together with~~, their 454  
respective summaries ~~and~~, the attorney general's certification of 455  
each , and the statements of intent filed by the petitioners. 456

(B)(1) Whoever seeks to file a referendum petition against 457  
any law, section, or item in any law shall, by a written petition 458

signed by one thousand qualified electors, submit the measure to 459  
be referred and a summary of it to the secretary of state and, on 460  
the same day or within one business day before or after that day, 461  
submit a copy of the petition, measure, and summary to the 462  
attorney general. 463

(2) Not later than ten business days after receiving the 464  
petition, measure, and summary, the secretary of state shall do 465  
both of the following: 466

(a) Have the validity of the signatures on the petition 467  
verified; 468

(b) After comparing the text of the measure to be referred 469  
with the copy of the enrolled act on file in the secretary of 470  
state's office containing the law, section, or item of law, 471  
determine whether the text is correct and, if it is, so certify. 472

(3) Not later than ten business days after receiving a copy 473  
of the petition, measure, and summary, the attorney general shall 474  
examine the summary and, if in the attorney general's opinion, the 475  
summary is a fair and truthful statement of the measure to be 476  
referred, so certify. 477

(C) Any person who is aggrieved by a certification decision 478  
under division (A) or (B) of this section may challenge the 479  
certification or failure to certify of the attorney general in the 480  
supreme court, which shall have exclusive, original jurisdiction 481  
in all challenges of those certification decisions. 482

**Section 2.** That existing sections 119.03 and 3519.01 of the 483  
Revised Code are hereby repealed. 484