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## In the Supreme Court of Ohío

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: Case No: 2024-1200
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: Original Action in Mandamus
: Expedited Elections Case
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### REPLY BRIEF OF AMICUS CURIAE OHIO EDUCATION ASSOCIATION IN SUPPORT OF *RELATORS*

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#### I. INTERESTS OF AMICUS CURIAE

The Ohio Education Association (OEA), an affiliate of the National Education Association, is a non-profit association representing approximately 116,000 teachers, faculty, and education support professionals who work in Ohio's schools, colleges, and universities. The organization was founded in 1847 and is headquartered in Columbus, Ohio. The OEA Vision Statement is to create an Ohio where every student has access to a high-quality public education and where all members are supported, valued, and respected. OEA's mission is to lead the way for the continuous improvement of public education while advocating for our members and the students they serve. OEA works to advance the rights and interests of educators and to ensure that every student in Ohio has access to a high-quality public education.

As part of ensuring a high-quality education to every student in Ohio, OEA believes in the idea that students and educators should be free to discuss a wide variety of facts, events, and ideas and that public school standards are and should continue to be created with honesty and integrity and without political influence. Likewise, OEA believes that it is important for policy makers to be honest about ballot initiatives put forth to voters to enable them to make informed choices based on facts without being influenced by craftily worded initiatives.

#### II. SUMMARY OF ARGUMENT

The matter at hand concerns the ballot title and language proposed by the Secretary of State and the Ohio Ballot Board for Issue 1, a proposed amendment to the Ohio Constitution which seeks to remove redistricting power from politicians and entrust it to a citizens' redistricting commission ("the Amendment"). The Relators argue that both the title proposed by the Secretary of State and the summary proposed by the Ohio Ballot Board are misleading, prejudicial, and contrary to law, thereby infringing on voters' rights to understand the measure they are voting upon.

The crux of this argument lies in Ohio Revised Code § 3519.21 and Article XVI, Section 1 of the Ohio Constitution, both of which stipulate that ballot language should not be likely to create prejudice for or against the measure and should properly identify the substance of the proposal to be voted upon. Furthermore, the language must not mislead, deceive, or defraud voters.

The three-part test established by this Court in *State ex rel. Voters First v. Ohio Ballot Bd.*, 133 Ohio St.3d 257, 2012-Ohio-419, 978 N.E.2d 119 and *Jurcisin v. Cuyahoga Cty. Bd. of Elections*, 35 Ohio St.3d 137, 519 N.E.2d 347 (1988) guides the evaluation of both the ballot title and language. The test requires (i) a clear understanding for the voter of what they are voting upon; (ii) the avoidance of language serving as a persuasive argument in favor of or against the issue; and (iii) the assessment of whether the cumulative effect of technical defects in the ballot language is harmless or fatal to the ballot's validity.

The proposed title, "To create an appointed redistricting commission not elected by or subject to removal by the voters of the state," is misleading and creates prejudice against the Amendment. The title does not convey the essence of the Amendment. It doubles down on the Ballot Board language suggesting that Commissioners of the proposed Ohio Citizens Redistricting Commission are somehow not beholden to voters. Relators Merit Brief at 32. In the plain text of the Amendment, it is clear that all work of the Ohio Citizens Redistricting Commission will be done in public view. Per Section 5 of the Amendment language, there will be a minimum number of hearings in all five of Ohio's districts encouraging public discourse and participation prior, during and after the release of proposed legislative maps. Additionally, there is a public comment portal for input at any time. There will be no closed-door meetings. Everything will be open to public scrutiny including removal of Commissioners after a public hearing. This biased description

suggests that there is a lack of accountability and acts as a persuasive argument against the Amendment, thus violating the second prong of the *Jurcisin* test and Ohio Revised Code § 3519.21.

The proposed ballot language is also inaccurate, incomplete, and misleading. It fails to correctly identify the substance of the proposal, violating the first prong of the *Voters First* test, and the mandates of Article XVI, Section 1 of the Ohio Constitution, and Section 3505.062(B) of the Ohio Revised Code. The proposed language does not offer sufficient context about the significance of the changes being proposed. Moreover, some phrases are inaccurate, ambiguous, and/or confusing, which misleads and confuses voters about the proposal's true purpose and effects. The cumulative effect of these defects is not harmless but rather fatal to the validity of the ballot title and summary, thereby violating the third prong of the *Voters First* test.

Therefore, Amicus Curiae Ohio Education Association requests that this Court invalidate the proposed language and mandate the Ohio Ballot Board to draft new language that aligns with the standards established in the Ohio Constitution and Revised Code.

#### III. LAW AND ARGUMENT

#### A. Background

Ohio voters have attempted to make redistricting fair for more than a decade. In fact, the Respondents admit in their merit brief that it will be the fifth time in 20 years that Ohioans will vote on a redistricting issue. Respondent's Merit Brief at 1. There were two constitutional amendments, one in 2015 and one in 2018, in an attempt to ensure Ohio actually has a representative government envisioned by our founding fathers. Voters believed the current Redistricting Commission would be the necessary fix to the broken system where Senators and Representatives choose who elects them rather than the voters doing the electing. Sadly, the

Redistricting Commission was not the fix and submitted several maps that were deemed unconstitutional by this Court in bipartisan decisions. In fact, even though the maps were deemed unfair and unconstitutional, they were still thrust upon the voters. Ohio voters are tired of being deceived by politicians serving their own self-interests rather than that of the citizenry. As Chief Justice Kennedy has recognized: "Our state Constitution is founded on the fundamental principle that '[a]ll political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary." *State ex rel. DeBlase v. Ohio Ballot Bd.*, 2023-Ohio-1823, ¶ 30 (Kennedy, C.J., concurring), quoting Ohio Const., art. I, § 2. Relator's Merit Brief at 2. The Amendment is a citizen directed effort to reclaim their power. Unfortunately, these same politicians are attempting to hold on to that power by controlling the description of the title and the Amendment summary. The proposed title and summary violate the Ohio Revised Code and the Ohio Constitution.

Section 3519.21 of the Revised Code provides that the Secretary shall determine "the ballot title of all ... propositions, issues, or questions ... in case of propositions to be voted upon in a district larger than a county." (Complaint ¶29). Section 3519.21 of the Revised Code provides that "[I]n preparing such a ballot title the secretary of state or the board shall give a true and impartial statement of the measures in such language that the ballot title shall not be likely to create prejudice for or against the measure." (Complaint ¶30).

Article XVI, Section 1 of the Ohio Constitution provides in part that:

The ballot language for such proposed amendments shall be prescribed by a majority of the Ohio ballot board, consisting of the secretary of state and four other members, who shall be designated in a manner prescribed by law... *The ballot language shall properly identify the substance of the proposal to be voted upon.* The ballot need not contain the full text nor a condensed text of the proposal. The board shall also prepare an explanation of the proposal, which may include its

purpose and effects, and shall certify the ballot language and the explanation to the secretary of state not later than seventy-five days before the election... *The ballot language shall not be held invalid unless it is such as to mislead, deceive, or defraud the voters*. (Emphasis added).

Ohio Revised Code Section 3505.062(B) provides that the Ballot Board shall "[P]rescribe the ballot language for constitutional amendments proposed by the general assembly to be printed on the questions and issues ballot, which language shall properly identify the substance of the proposal to be voted upon." (Complaint ¶28).

Under Article XVI, Section 1, of the Ohio Constitution and Section 3505.062(B) of the Revised Code, the ballot language must "properly identify the substance of the proposal to be voted upon." Article XVI specifies that it may not be "such as to mislead, deceive, or defraud the voters." (Complaint ¶27).

This Court has adopted a "three-part test" for evaluating the propriety of ballot language for a proposed constitutional amendment: (i) a voter has the right to know what it is he or she is being ask to vote upon; (ii) use of language in the nature of a persuasive argument in favor of or against the issue is prohibited; and (iii) the determinative issue is whether the cumulative effect of the technical defects in the ballot language is harmless or fatal to the validity of the ballot. *State ex rel. Voters First v. Ohio Ballot Bd.*, 133 Ohio St.3d 257, 2012-Ohio-419, 978 N.E.2d 119, ¶ 26. This Court has adopted the same standard for evaluating a ballot title for a proposed constitutional amendment. *Jurcisin v. Cuyahoga Cty. Bd. of Elections*, 35 Ohio St.3d 137, 519 N.E.2d 347 (1988).

This Court has recognized that ballot language containing material omissions and factual inaccuracy fails the foregoing test. *State ex rel. Voters First v. Ohio Ballot Bd.*, 133 Ohio St.3d 257, 2012-Ohio-419, 978 N.E.2d 119, ¶¶ 27–32. "[Ballot language] ought to be free from any

misleading tendency, whether of amplification, or omission." *Markus v. Trumbull Cnty. Bd. of Elections*, 22 Ohio St.2d 197, 203, 259 N.E.2d 501 (1970). Ballot language that fails to "convey an intelligent idea of the scope and import of the amendment" is invalid. *Id.* at 202–03. (Complaint ¶51).

#### B. The proposed title of the Amendment is misleading and contrary to law.

The Relators assert that the proposed ballot title for the Amendment, "To create an appointed redistricting commission not elected by or subject to removal by voters of the state," violates Ohio Revised Code § 3519.21 as it is not a "true and impartial" statement of the measure and is likely to create prejudice against the measure. (Complaint ¶ 30). R.C. § 3519.21 provides that the Secretary shall determine "the ballot title of all ... propositions, issues, or questions ... in case of propositions to be voted upon in a district larger than a county." (Complaint ¶29). Section 3519.21 of the Revised Code provides that "[I]n preparing such a ballot title the secretary of state or the board shall give a true and impartial statement of the measures in such language that the ballot title shall not be likely to create prejudice for or against the measure." (Complaint ¶30). This is critical in ensuring that the public understands the initiative or referendum and therefore can make an informed decision.

In *Jurcisin v. Cuyahoga Cty. Bd. of Elections*, 35 Ohio St.3d 137, 519 N.E.2d 347 (1988), this Court applied the same "three-part test" for evaluating the propriety of ballot language for a proposed constitutional amendment that was developed in *State ex rel. Bailey v. Celebrezze*, 67 Ohio St.2d 516, 426 N.E.2d 493 (1981) to the evaluation of the ballot titles. In *Jurcisin*, this Court determined that:

"First, a voter has the right to know what it is he is being asked to vote upon. *State, ex rel. Burton, v. Greater Portsmouth Growth Corp.* (1966), 7 Ohio St. 2d 34, 37. Second, use of language which is 'in the nature of a persuasive argument in favor of or against the issue \* \* 'is prohibited. *Beck v. Cincinnati* (1955), 162 Ohio St. 473, 475. And, third, 'the

determinative issue \* \* \* is whether the cumulative effect of these technical defects [in ballot language] is harmless or fatal to the validity of the ballot.' *State, ex rel. Williams, v. Brown* (1977), 52 Ohio St. 2d 13, 19; *State, ex rel. Commrs. of the Sinking Fund, v. Brown* (1957), 167 Ohio St. 71."

Jurcisin v. Cuyahoga Cty. Bd. of Elections, 35 Ohio St.3d 137, 519 N.E.2d 347 (1988).

Ohio Revised Code § 3519.21 expressly requires the Secretary of State to provide "a true and impartial statement of the measures in such language that the ballot title shall not be likely to create prejudice for or against the measure." In *State ex rel. Responsible Ohio v. Ohio Ballot Bd.*, 2015-Ohio-3758, this Court clarified the standard set forth by the code, reinforcing the necessity of truthfulness, impartiality, and non-prejudicial language. In *Jurcisin*, this Court held that a voter has the right to know what they are being asked to vote upon, language that acts as a persuasive argument for or against the issue is prohibited, and the cumulative effect of defects in ballot language must be evaluated. *Jurcisin v. Cuyahoga Cty. Bd. of Elections*, 35 Ohio St.3d 137, 519 N.E.2d 347 (1988).

The title, "To create an appointed redistricting commission not elected by or subject to removal by the voters of the state," fails to provide voters with a clear understanding of the Amendment's provisions thus failing the first prong of the *Jurcisin* test. The title does not convey the essence of the Amendment. It doubles down on the Ballot Board language suggesting that Commissioners of the proposed Ohio Citizens Redistricting Commission are somehow not beholden to voters. Relator's Merit Brief at 32.

The title also fails the second prong of the test by using language that is persuasive in nature leading voters to vote no on the Amendment by implying that members of the Ohio Citizens Redistricting Commission are not responsible to Ohio Citizens. In the plain text of the Amendment, it is clear that *all* work of the Ohio Citizens Redistricting Commission will be done in public view. Per Section 5 of the Amendment language, there will be at least five hearings in

all five of Ohio's districts encouraging public discourse and participation prior to, during and after the release of proposed legislative maps. Additionally, there is a public comment portal for input at any time. There will be no closed-door meetings. Everything will be open to public scrutiny including the removal of Commissioners after a public hearing. This biased description suggests a lack of accountability and acts as a persuasive argument against the Amendment, thus violating the second prong of the *Jurcisin* test and Ohio Revised Code § 3519.21. Additionally, the language through omission implies that the current Redistricting Commission is entirely comprised of elected officials, which is false given those members who are elected are not elected for the purpose of serving on the commission. In fact, commission work is not even one of their primary duties.

Respondents are trying to confuse the voters and cloud the issue even though they recognize that the proposed Amendment institutes representation in its truest form. Ultimately, the cumulative effect of these defects cannot be overlooked. The title's lack of clarity combined with its biased language creates a significant likelihood of prejudice against the Amendment, violating the third prong of the *Jurcisin* test and Ohio Revised Code § 3519.21.

## C. The proposed ballot language of the Amendment is inaccurate, incomplete and contrary to law.

Relators assert that the ballot language proposed for the Amendment is deficient and violates Ohio law in significant ways. As required by both Article XVI, Section 1 of the Ohio Constitution and Section 3505.062(B) of the Revised Code, the ballot language must "properly identify the substance of the proposal to be voted upon." Moreover, Article XVI prohibits ballot language that might "mislead, deceive, or defraud the voters." Unfortunately, the proposed language for the Amendment fails to meet these criteria, and thus violates voters' rights to be accurately informed about the measure they are asked to vote upon.

This Court has long held that voters have the right to clear and transparent ballot language. The Court's established three-part test from *State ex rel. Voters First v. Ohio Ballot Bd.*, 133 Ohio St.3d 257, 2012-Ohio-419, 978 N.E.2d 119, mandates that (i) voters must know what they are being asked to vote upon; (ii) the language must not make persuasive arguments for or against the issue; and (iii) the cumulative effect of technical defects must not invalidate the ballot.

Amicus Curiae OEA contends that the ballot language for the Amendment fails all prongs of this test. First, the proposed ballot language does not properly identify the substance of the proposal, thus violating the first part of the *Voters First* test and the requirements of Article XVI, Section 1, and Section 3505.062(B) of the Ohio Revised Code. For instance, the Ballot Board's summary refers to the 2015 and 2018 statewide elections regarding Ohio citizens' attempts to fix partisan gerrymandering of legislative and congressional districts that unfairly favor one political party over another, yet it fails to provide the full historical context of the measures taken by the current Ohio Redistricting Commission whose proposed maps were deemed unconstitutional by this Court several times. This lack of context easily misleads and confuses voters about the proposal's true purpose and effects. Justice Maureen O'Connor eloquently describes the State of Ohio's redistricting challenges by stating "[h]aving now seen firsthand that the current Ohio Redistricting Commission—comprised of statewide elected officials and partisan legislators—is seemingly unwilling to put aside partisan concerns as directed by the people's vote Ohioans may opt to pursue further constitutional amendment to replace the current commission with a truly independent, nonpartisan commission that more effectively distances the redistricting process from partisan politics." League of Woman Voters of Ohio v. Ohio Redistricting Comm., Slip Opinion 2022-Ohio-65, pg. 59. Additionally as Chief Justice Kennedy has recognized: "Our state Constitution is founded on the fundamental principle that '[a]ll political power is inherent in the

people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary." *State ex rel. DeBlase v. Ohio Ballot Bd.*, 2023-Ohio-1823, ¶ 30 (Kennedy, C.J., concurring), quoting Ohio Const., art. I, § 2. Relator's Merit Brief at 2.

Additionally, much of the language is wrong, ambiguous, and/or confusing. The Respondents would have this Court focus solely on a dictionary definition to purposely mislead voters. When determining the meaning of words, it is imperative to look at the denotation, connotation and surrounding words (context) to reveal their true and full meaning. Denotation is simply the dictionary definition. This meaning alone falls short of the full understanding that is necessary to accurately convey a message. Connotation is an idea or feeling invoked by a word in addition to its literal or primary meaning. Beginning in elementary school, our members educate Ohio's public students that word choice matters, language matters, and there are no unnecessary words. In fact, English Language Arts (ELA) is a mandatory subject by the Ohio Department of Education and Workforce (DEW). ELA is the study of grammar, usage and style. Reading comprehension is tested early in our public schools. Our members follow the local school district and DEW curriculum guidance regarding how connotations of words affect their meaning. Ohio's Learning Standards for English Language Arts 2017.

https://education.ohio.gov/getattachment/Topics/Learning-in-Ohio/English-Language-

Art/English-Language-Arts-Standards/ELA-Learning-Standards-2017-Section-

<u>508.pdf.aspx?lang=en-US</u> (accessed Sept. 5, 2024). Students must "learn to see an individual word as part of a network of other words—words, for example that have similar denotations but different connotations. *Id* at pg. 14. As early as 6<sup>th</sup> grade, students must be able to "distinguish between connotations of words with similar denotations (definitions) (e.g., refined, respectful, polite,

diplomatic, condescending)." *Id* at pg. 61. These basic skills are learned in elementary school and honed throughout middle school and high school. The Respondents urge this Court to focus solely on the denotation of a word. Luckily, Ohio's public school systems have prepared our citizens to thoughtfully understand a word's denotation, connotation and context from a very early age. Permitting the Secretary of State and Ballot Board to only consider a denotation and not a full meaning of a word would allow them to shirk their responsibilities to ensure that Ohio voters have a full understanding of what is being voted on.

The use of the word "gerrymandered" districts is one of the clearest examples that can be made. In order to understand the true meaning, one must consider the etymology of the word. "Gerrymandered" was first coined in March 1812 when a district was drawn that looked like a salamander for the benefit of altering the results of the election. *History: How Gerrymandering Began in the US*. <u>https://www.history.com/news/gerrymandering-origins-voting</u> (accessed Sept. 5, 2024). Elbridge Gerry was Governor of Massachusetts at the time. The Governor's last name and salamander were combined to create the term Gerrymander. The denotation of gerrymander describes when politicians redraw voting districts to give an unfair advantage to a political party. The connotation invokes negative feelings—political manipulation of electoral district boundaries with the intent to create an undue advantage. *Id*. The word choice specifically informs voters that shenanigans are about to occur. The Respondents chose this language despite the fact that the Amendment itself prohibits gerrymandering.

Similarly, the Ballot Board uses the word "belong to" while the Amendment language uses "affiliate" in terms of political party. The use of the words "belong to" is purposeful to mislead voters even though the Respondents are fully aware that the definition of affiliate is contained within the four corners of the Amendment language. The Amendment defines what is meant by the use of the word "affiliate" which is above and beyond a dictionary definition. In fact, it becomes a term of art defined within the four corners of the Amendment itself. Using a synonym in the Amendment summary is not appropriate as the Miriam-Webster definitions do not apply since the word itself is defined within the document. In fact, the sample that the Respondent's relied upon in their Merit Brief refers to Ohio Revised Code Section 3513.19(A)(3) fails to support their contention. In the English language, the word "or" is used as a conjunction to connect two or more possible alternatives. Their example attempts to persuade this Court that "affiliated with" and "member" are the same thing. Respondents Merit Brief at 32. However, there are no extraneous words especially in the law. As such, this example actually supports our position that all words are not equally interchangeable given a basic understanding of English taught in our public schools. Thus, at its best the word choices are ambiguous or confusing, and at its worst is meant to purposefully mislead, deceive and/or defraud potential voters.

Finally, the language's cumulative technical defects are not harmless but rather fatal. Specifically, the lack of explicit contextual information as well as word choice will effectively mislead, deceive and defraud voters.

Because the ballot language for the Amendment is misleading, lacking context, and incomplete, it fails the Court's established test from *Voters First*, and thus violates Ohio law. Accordingly, Amicus Curiae OEA respectfully requests that this Court find the proposed language invalid and require the Ohio Ballot Board to draft new language that properly identifies the substance of the proposal, does not mislead or deceive voters, and meets the standards set forth in the Ohio Constitution and Revised Code.

## **D.** The Relator's presentation of credible criteria establishes justification for the Court's intervention via mandamus action.

The jurisdiction for this action lies with this Court as per Article IV, Section 2(B)(1)(b), bestowing upon the Court original jurisdiction in mandamus actions. Furthermore, Article XVI, Section 1 provides the Court with both original and exclusive jurisdiction in all cases that involve "challenging the adoption or submission of a proposed constitutional amendment to the electors." (Complaint ¶12).

Mandamus actions are governed by R.C. Chapter 2731. A mandamus is a writ to enforce performance of a specific act by a public official or agency and will only be issued where there is a clear legal duty to act. A writ of mandamus will not be issued when there is a plain and adequate remedy in the ordinary course of law. R.C. 2731.05. When the right to require the performance of an act is clear and it is apparent that no valid excuse can be given for not doing it, a court, in the first instance, may allow a peremptory mandamus. Otherwise, an alternate writ must first be issued by the court or judge pursuant to R.C. 2731.06.

A Court will grant a writ of mandamus when a relator establishes (i) a clear legal right to the requested relief, (ii) a clear legal duty on the part of the respondent to provide it, and (iii) the lack of an adequate remedy in the ordinary course of law, *State ex rel. Berger v. McMonagle*, 6 Ohio St. 3d 28, 451 N.E.2d 225 (1983). In the aforementioned case, this Court articulated the following standard: "The writ of mandamus will be granted by this court only when the relator establishes a clear legal right to the requested relief, a clear legal duty on the part of the respondents to provide it, and the lack of an adequate remedy in the ordinary course of law."

Relators assert a clear legal entitlement to the requested relief, as the proposed ballot title and language submission of the Amendment, would contravene the explicit provisions of the Ohio Constitution and Revised Code. The Ohio Ballot Board bears a manifest legal obligation to furnish the requested relief since it is tasked with ensuring that the proposed ballot language complies with the law.

Given that this Court exercises original and exclusive jurisdiction over the subject matter of the case, and mandamus has consistently been recognized as the sole available recourse when an elector seeks to eliminate an unlawfully presented constitutional amendment from the ballot, Relators are without a satisfactory legal remedy.

# E. Just as honesty in education is paramount in the classroom, so is honesty at the ballot box.

The OEA represents educators who are committed to providing a high-quality education for every student in Ohio. This commitment is rooted in the belief that students and educators should be free to discuss a wide array of facts, events, and ideas, and that public school standards should be created with honesty and integrity, free from political influence. This principle is not confined to the classroom but extends to all aspects of education policy, including the wording of ballot initiatives that will affect our public schools and the classes taught therein.

The OEA submits this Amicus Brief to stress the crucial role that honesty and integrity play in crafting ballot language, especially as it pertains to education. The principles that guide our educators in the classroom should be equally applicable to the language that shapes education policy at the ballot box. Voters, like students, deserve to receive information that is accurate, clear, and unbiased.

The title and the ballot language for the Amendment, as currently formulated, fails to meet these principles. As previously argued, the language does not properly identify the substance of the proposal and would mislead voters about its true impact of the proposed constitutional amendment. This is contrary to the principle of honesty that OEA believes should guide education policy. Just as educators are committed to teaching students with honesty and integrity, so too should policymakers be committed to providing voters with honest and clear ballot language. The lack of clarity and potential for misunderstanding inherent in the proposed language for the Amendment is as detrimental to the democratic process as misleading or incomplete instruction is to a student's education.

A key component of a high-quality education is teaching students to think critically about the information presented to them. Similarly, voters should be equipped with clear and accurate information to make informed decisions about the policies affecting their communities. When ballot language is misleading or incomplete, it hinders voters' ability to critically evaluate the proposal at hand, just as faulty or biased instruction hinders a student's learning.

As educators, the members of OEA have a vested interest in promoting honesty, clarity, and critical thinking, both in the classroom and at the ballot box. We urge this Court to uphold these principles in its consideration of the proposed ballot language for the Amendment. Doing so will not only ensure that voters can make informed decisions but also set a precedent for honesty and integrity in the crafting of future ballot language.

### **IV. CONCLUSION**

For the reasons articulated above, Amicus Curiae OEA requests that the Court issue a writ of mandamus directing the Ballot Board to reconvene and adopt ballot language that properly and lawfully describes the amendment, or, in the alternative, adopt the full text of the Amendment as the ballot language; and directing Secretary LaRose to adopt a ballot title that properly and lawfully describes the amendment.

Dated: September 6, 2024

Respectfully Submitted,

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#### **CERTIFICATE OF SERVICE**

I hereby certify that, on September 6, 2024, the foregoing was filed electronically using the Court's e-filing system. I further certify that the foregoing was served via electronic mail upon the following pursuant to S.Ct.Prac.R. 3.11(C)(3):

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