

Issue 1

Rights for Crime Victims

Proposed Constitutional Amendment

Proposed by Initiative Petition

To repeal and replace the existing language in Section 10a of Article I of the Constitution of the State of Ohio

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

The proposed amendment would expand the rights of victims under the current Section 10a and require that the rights of victims be protected as vigorously as the rights of the accused. More specifically, for the purpose of ensuring due process, respect, fairness, and justice for crime victims and their families in the criminal and juvenile justice systems, the amendment would provide victims with:

- the right to privacy and to be treated with respect, fairness, and dignity;
- the right to information about the rights and services available to crime victims;
- the right to notification in a timely manner of all proceedings in the case;
- the right to be present and heard at all court proceedings, including the right to petition the court to protect the victim’s rights;
- the right to a prompt conclusion of the case;
- to refuse discovery requests made by the accused, except as authorized by Article I, Section 10 of the Ohio constitution;
- the right to reasonable protection from the accused;
- the right to notice of the release or escape of the accused; and
- the right to restitution.

The proposed amendment would not establish a cause of action for damages or compensation against the state or any political subdivision.

If approved, the amendment will be effective 90 days after the election.

**YES SHALL THE AMENDMENT
NO BE APPROVED?**

I, Jon Husted, certify that printed below are the full text, ballot language, explanations and/or arguments that were certified to me by the Ohio Ballot Board, or filed with the Secretary of State as prescribed by law, for the constitutional amendment proposed by initiative petition pursuant to Article II, Section 1a of the Ohio Constitution and the law proposed by initiative petition pursuant to Article II, Section 1b of the Ohio Constitution.

IN TESTIMONY WHEREFORE, I have subscribed my name in Columbus, Ohio, this fifteenth day of September, 2017.

In addition to certifying the following State Issues for the General Election occurring November 7, 2017, R.C. 3505.062(G) and Ohio Constitution Article II, Section 1g require Secretary of State Jon Husted to contract for the publication of this information once a week for three (3) consecutive weeks preceding the election in at least one (1) newspaper of general circulation in each county in the state.

Jon Husted
OHIO SECRETARY OF STATE

Table of Contents

ISSUE 1 – Rights for Crime Victims

Ballot Language1

Argument FOR Issue 12

Argument AGAINST Issue 12

Full Text of Amendment3

ISSUE 2 – To require state agencies to not pay more for prescription drugs than the federal Department of Veterans Affairs and require state payment of attorney fees and expenses to specific individuals for defense of the law

Ballot Language4

Combined argument and explanation FOR the proposed law4

Explanation AGAINST Issue 25

Argument AGAINST Issue 25

Full Text of Law 6-7

Proposed Constitutional Amendment

Argument FOR Issue 1

YES on Issue One

A YES vote on Issue 1, the Equal Rights for Crime Victims amendment, commonly known as Marsy's Law, will ensure that the rights of crime victims are protected in Ohio's Constitution.

- **YES ON ISSUE ONE MEANS CRIME VICTIMS WILL FINALLY HAVE EQUAL RIGHTS:** Issue One places in the state constitution much-needed protections for crime victims and their families.
 - Issue One benefits all Ohioans by guaranteeing that crime victims will have notification during each step in the legal process.
 - Issue One protects all Ohioans by guaranteeing that crime victims and their family members have the right to be present in the courtroom and a voice in the judicial process.
 - Issue One empowers all Ohioans by guaranteeing that crime victims and their family members have input into plea bargains as well as financial restitution from the offender, if appropriate.
- YES on Issue 1 strengthens Ohio's existing laws that have failed to fully protect the rights of crime victims.
 - A YES vote guarantees that victims can appear before the court for enforcement of their rights if they are being violated.
- Issue One is supported by both Democrats and Republicans including more than 275 lawmakers, local elected officials, prosecutors, law-enforcement officers and crime victim advocates in Ohio.
- A YES vote for Issue One brings dignity, respect and justice for crime victims to Ohio's criminal justice system.
- A YES vote for Issue One guarantees that crime victims and their families have a voice in Ohio's criminal justice system.
- Yes on Issue 1 has NO impact on the rights of defendants.
 - We urge a YES vote on Issue 1

Submitted by Issue 1 petitioners

Argument AGAINST Issue 1

VOTE NO ON ISSUE 1

Ohio law affords victims extensive rights. Issue 1, known as Marsy's Law, originated in California. One week after a young woman was killed, her mother was confronted by the accused murderer in a store. She didn't know he'd been released on bail. Ohio does not have this problem. Ohio law requires prosecutors to notify victims when a defendant is arrested or eligible for pretrial release. In 1998, Ohio implemented one of the nation's first automated victim notification systems, which offers victims information 24 hours a day, 365 days a year.

Ohio law requires prosecutors to protect the rights of victims. If a crime victim is not receiving the assistance they are entitled to by law, Ohio should provide additional resources and training toward victim's services, not amend our state constitution. Issue 1 does not provide additional resources and the government remains immune to liability. When a victim isn't notified about a court hearing, a plea bargain, or offender's release - the victim should have recourse against the government - which is not provided under Issue 1. The problem in Ohio is not the absence of victims' rights, but the lack of a remedy when the government fails to carry out duties owed to victims.

Issue 1 amends Ohio's constitution to give victims the right to refuse to turn over potential evidence and to petition the court of appeals. Issue 1 conflicts with essential guarantees in the Bill of Rights, including double jeopardy, confrontation, and speedy trial - rights fundamental to our Founders. This amendment will result in increased litigation, increased costs to taxpayers, and will delay cases, only hurting victims. This amendment is wrong for Ohio.

Signed by Tim Young, Ohio Public Defender

Proposed Constitutional Amendment

Full Text of Amendment

Be it Resolved by the People of the State of Ohio that Article I, Section 10a of the Ohio Constitution be amended to repeal the existing language (shown below with strike throughs) and to replace it with the following:

Section 10a. Rights of Victims of Crimes

(A) To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected in a manner no less vigorous than the rights afforded to the accused:

- (1) to be treated with fairness and respect for the victim’s safety, dignity and privacy;
- (2) upon request, to reasonable and timely notice of all public proceedings involving the criminal offense or delinquent act against the victim, and to be present at all such proceedings;
- (3) to be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in any public proceeding in which a right of the victim is implicated;
- (4) to reasonable protection from the accused or any person acting on behalf of the accused;

- (5) upon request, to reasonable notice of any release or escape of the accused;
 - (6) except as authorized by section 10 of Article I of this constitution, to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;
 - (7) to full and timely restitution from the person who committed the criminal offense or delinquent act against the victim;
 - (8) to proceedings free from unreasonable delay and a prompt conclusion of the case;
 - (9) upon request, to confer with the attorney for the government; and
 - (10) to be informed, in writing, of all rights enumerated in this section.
- (B) The victim, the attorney for the government upon request of the victim, or the victim’s other lawful representative, in any proceeding involving the criminal offense or delinquent act against the victim or in which the victim’s rights are implicated, may assert the rights enumerated in this section and any other right afforded to the victim by law. If the relief sought is denied, the victim or the victim’s lawful representative may petition the court of appeals for the

- applicable district, which shall promptly consider and decide the petition.
- (C) This section does not create any cause of action for damages or compensation against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any political subdivision, or any officer of the court.
- (D) As used in this section, “victim” means a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term “victim” does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.
- (E) All provisions of this section shall be self-executing and severable, and shall supersede all conflicting state laws.
- (F) This section shall take effect ninety days after the election at which it was approved.

~~Victims of criminal offenses shall be accorded fairness, dignity, and respect in the criminal justice process, and, as the general assembly shall define and provide by law, shall be accorded rights to reasonable and appropriate notice, information, access, and protection and to a meaningful role in the criminal justice process. This section does not confer upon any person~~

~~a right to appeal or modify any decision in a criminal proceeding, does not abridge any other right guaranteed by the Constitution of the United States or this constitution, and does not create any cause of action for compensation or damages against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any political subdivision, or any officer of the court.~~

Proposed Law

Ballot Language

Issue 2

To require state agencies to not pay more for prescription drugs than the federal Department of Veterans Affairs and require state payment of attorney fees and expenses to specific individuals for defense of the law

Proposed Law

Proposed by Initiative Petition

To enact Chapter 194 of the Ohio Revised Code

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

To enact Chapter 194 of the Ohio Revised Code, which would:

- Require the State of Ohio, including its state departments, agencies and entities, to not pay more for prescription drugs than the price paid by the United States Department of Veterans Affairs.
- Establish that the individual petitioners responsible for proposing the law have a direct and personal stake in defending the law; require the State to pay petitioners' reasonable attorney fees and other expenses; require the petitioners to pay \$10,000 to the State if the law is held by a court to be unenforceable and limit petitioners' personal liability to that amount; and require the Attorney General to defend the law if challenged in court.

	YES	SHALL THE PROPOSED LAW BE ADOPTED?
	NO	

Combined argument and explanation FOR the proposed law

VOTE YES

Ohioans pay too much for life-saving medicine. Drug companies have completely rigged the system so you pay more. Washington, DC doesn't negotiate fair prices with drug companies, so it's up to the states to enact reforms. To do that we must change Ohio law and vote YES on Issue 2.

Here are the facts:

- Issue 2 changes Ohio law to ensure we pay the lowest known price for medicine. Ohioans would save \$400 million, which would help fund schools, police departments, and cut taxes. Instead, that money goes to drug companies.
- Drug companies keep driving up prices on medicines needed to treat everything from asthma to cancer until they become too expensive for you to afford or insurance to cover. Life-saving medicine for children with allergies has skyrocketed from \$80 to over \$600 – just one of many examples.
- Drug companies fueled their profits by lying about opioids. They paid doctors over \$46 million to get them to overprescribe opioid pain medication, getting Ohioans hooked, killing kids, and destroying our communities.

These are the same drug companies spending millions of dollars to get you to vote against this issue – all so they can protect their profits.

Politicians make promises they never keep. They say they'll lower the cost of healthcare, but then the lobbyists and political donations come, and our costs don't go down - they only go up.

Here's your chance to change that.

You can hold politicians and drug companies accountable even while they threaten to retaliate against us. They say they'll hurt veterans and raise prices on senior citizens. But you can stand up to them. Take the power into your own hands. Join doctors, nurses, and veterans from across Ohio and bring change that is desperately needed. Vote yes on Issue 2.

Submitted by Issue 2 petitioners

Proposed Law

Explanation AGAINST Issue 2

VOTE NO ON ISSUE 2

UNWORKABLE REGULATORY SCHEME FOR STATE PRESCRIPTION DRUG PURCHASES INCLUDES REQUIREMENT TO PAY ATTORNEYS FEES AND EXPENSES

Issue 2 is a deceptive and vaguely-worded proposal funded by a controversial California health care CEO. It imposes a regulatory scheme for state prescription drug purchases that experts say is unworkable and warn could actually *increase* drug costs. Issue 2 also gives its sponsors the unprecedented right to intervene in legal challenges to the regulation and requires taxpayers to pay their attorneys fees, win or lose.

While leaving out two thirds of Ohio's population altogether, Issue 2 mandates that state government pay no more for prescription drugs than the federal Department of Veterans Affairs.

- Only applies to purchases by state government agencies and entities.
- Only applies to the limited number of drugs the VA purchases and could further restrict access to medications.
- Could increase drug costs for two out of three Ohioans who have private or employer-based insurance, rely on Medicare, or who have other coverage not provided by the state.

Issue 2 requires the state to pay sponsors' attorneys fees and expenses.

- Gives the sponsors, the four individuals responsible for circulating the petition, the unprecedented right to defend legal challenges to the law. Three of those four are employed by the petition funder.
- Declares the sponsors have “a direct and personal stake” in defending the law.
- Requires Ohio taxpayers to pay the sponsors' attorneys fees and expenses, win or lose, and sets no cap on the total amount of attorneys fees and expenses.

Bipartisan opposition to Issue 2 includes three former Ohio Medicaid Directors who served in both Democratic and Republican administrations, a former Ohio Budget Director, and a coalition of more than 70 organizations representing Ohio doctors, nurses, hospitals, veterans, business, labor, and faith and community groups.

Submitted by Ohioans Against the Deceptive Rx Ballot Issue Committee

Argument AGAINST Issue 2

VOTE NO ON ISSUE 2

Costly. Deceptive. Unworkable.

COSTLY

- Ohio doctors, nurses, pharmacists and hospitals oppose the ballot issue because it could actually increase costs for the 7 million Ohioans—nearly two-thirds of our population—who are left out, including those with private insurance and those who rely on Medicare or otherwise do not obtain medications through state programs.
- Military veterans could also pay more for prescription drugs.
- Three Ohio Medicaid directors who served in both Democratic and Republican administrations and a state budget director warn the ballot issue could reduce patient access to medications.
- An unprecedented provision gives ballot sponsors a blank check by allowing them to intervene in any legal challenges and requires taxpayers to pay their attorney fees, win or lose.

DECEPTIVE

- An Ohio budget director says the claim that the ballot issue would save \$400 million annually is “simply false” and based on an assumption that Ohio does not already receive substantial prescription discounts. In fact, Ohio's Medicaid program receives federally mandated *and* voluntarily negotiated discounts that bring its costs down to levels similar to those of the VA.
- Ohio Medicaid directors warn the ballot issue could invalidate existing drug discount agreements—potentially increasing the state's prescription costs by tens of millions of dollars annually.

UNWORKABLE

- Health care experts say requiring Ohio to purchase drugs at the lowest price paid by the VA would be impossible to implement because, by law, the VA does not disclose this price.
- The ballot issue contains no language guiding implementation—and was proposed by a controversial California health care CEO without consulting any Ohio officials tasked with implementation—which will lead to bureaucratic in-fighting, delays, lawsuits and higher costs for taxpayers.

**Stand up for Ohio. Join doctors, nurses, veterans,
business and labor:**

VOTE NO ON ISSUE 2

www.deceptiverxissue.org

Submitted by Ohioans Against the Deceptive Rx Ballot Issue Committee

Proposed Law

Full Text of Law

Be it Enacted by the People of the State of Ohio that the following chapter and section are added to Title I of the Revised Code.

Chapter 194: Drug Price Relief

Section 194.01

(A) Title.

This Act shall be known as “The Ohio Drug Price Relief Act” (the “Act”).

(B) Findings and Declarations.

The People of the State of Ohio hereby find and declare all of the following:

- (1) Prescription drug costs have been, and continue to be, one of the greatest drivers of rising health care costs in Ohio.
- (2) Nationally, prescription drug spending increased more than 800 percent between 1990 and 2013, making it one of the fastest growing segments of health care.
- (3) Spending on specialty medications, such as those used to treat HIV/AIDS, Hepatitis C, and cancers, are rising faster than other types of medications. In 2014 alone, total spending on specialty medications increased by more than 23 percent.
- (4) The pharmaceutical industry’s practice of charging inflated drug prices has resulted in pharmaceutical company profits exceeding those of

even the oil and investment banking industries.

- (5) Inflated drug pricing has led to drug companies lavishing excessive pay on their executives.
- (6) Excessively priced drugs continue to be an unnecessary burden on Ohio taxpayers that ultimately results in cuts to health care services and providers for people in need.
- (7) Although Ohio has engaged in efforts to reduce prescription drug costs through rebates, drug manufacturers are still able to charge the State more than other government payers for the same medications, resulting in a dramatic imbalance that must be rectified.
- (8) If Ohio is able to pay the same prices for prescription drugs as the amounts paid by the United States Department of Veterans Affairs, it would result in significant savings to Ohio and its taxpayers. This Act is necessary and appropriate to address these public concerns.

(C) Purposes and Intent.

The People of the State of Ohio hereby declare the following purposes and intent in enacting this Act:

- (1) To enable the State of Ohio to pay the same prices for prescription drugs as the prices paid by the United States Department of Veterans Affairs, thus rectifying the imbalance among government payers.

- (2) To enable significant cost savings to Ohio and its taxpayers for prescription drugs, thus helping to stem the tide of rising health care costs in Ohio.
- (3) To provide for the Act’s proper legal defense should it be adopted and thereafter challenged in court.

(D) Drug Pricing.

- (1) Notwithstanding any other provision of law and insofar as may be permissible under federal law, neither the State of Ohio, nor any state department, agency or other state entity, including, but not limited to, the Ohio Department of Aging, the Ohio Department of Health, the Ohio Department of Insurance, the Ohio Department of Jobs and Family Services, and the Ohio Department of Medicaid, shall enter into any agreement with the manufacturer of any drug for the purchase of a prescribed drug or agree to pay, directly or indirectly, for a prescribed drug, unless the net cost of the drug, inclusive of cash discounts, free goods, volume discounts, rebates, or any other discounts or credits, as determined by the purchasing department, agency or entity, is the same as or less than the lowest price paid for the same drug by the United States Department of Veterans Affairs.
- (2) The price ceiling described in subsection (1) above also shall apply to all programs

where the State of Ohio or any state department, agency or other state entity is the ultimate payer for the drug, even if it did not purchase the drug directly. This includes, but is not limited to, the Ohio Best Rx Program and the Ohio HIV Drug Assistance Program. In addition to agreements for any cash discounts, free goods, volume discounts, rebates, or any other discounts or credits already in place for these programs, the responsible department, agency or entity shall enter into additional agreements with drug manufacturers for further price reductions so that the net cost of the drug, as determined by the purchasing department, agency or entity, is the same as or less than the lowest price paid for the same drug by the United States Department of Veterans Affairs.

- (3) All state departments, agencies and other state entities that enter into one or more agreements with the manufacturer of any drug for the purchase of prescribed drugs or agreement to pay directly or indirectly for prescribed drugs shall implement this section no later than July 1, 2017.
- (4) Each such department, agency or other state entity, may adopt administrative rules to implement the provisions of this section and may seek any waivers of federal law, rule, or regulation necessary to implement the provisions of this section.

Proposed Law

(5) The General Assembly shall enact any additional laws and the Governor shall take any additional actions required to promptly carry out the provisions of this section.

(E) Liberal Construction.

This Act shall be liberally construed to effectuate its purpose.

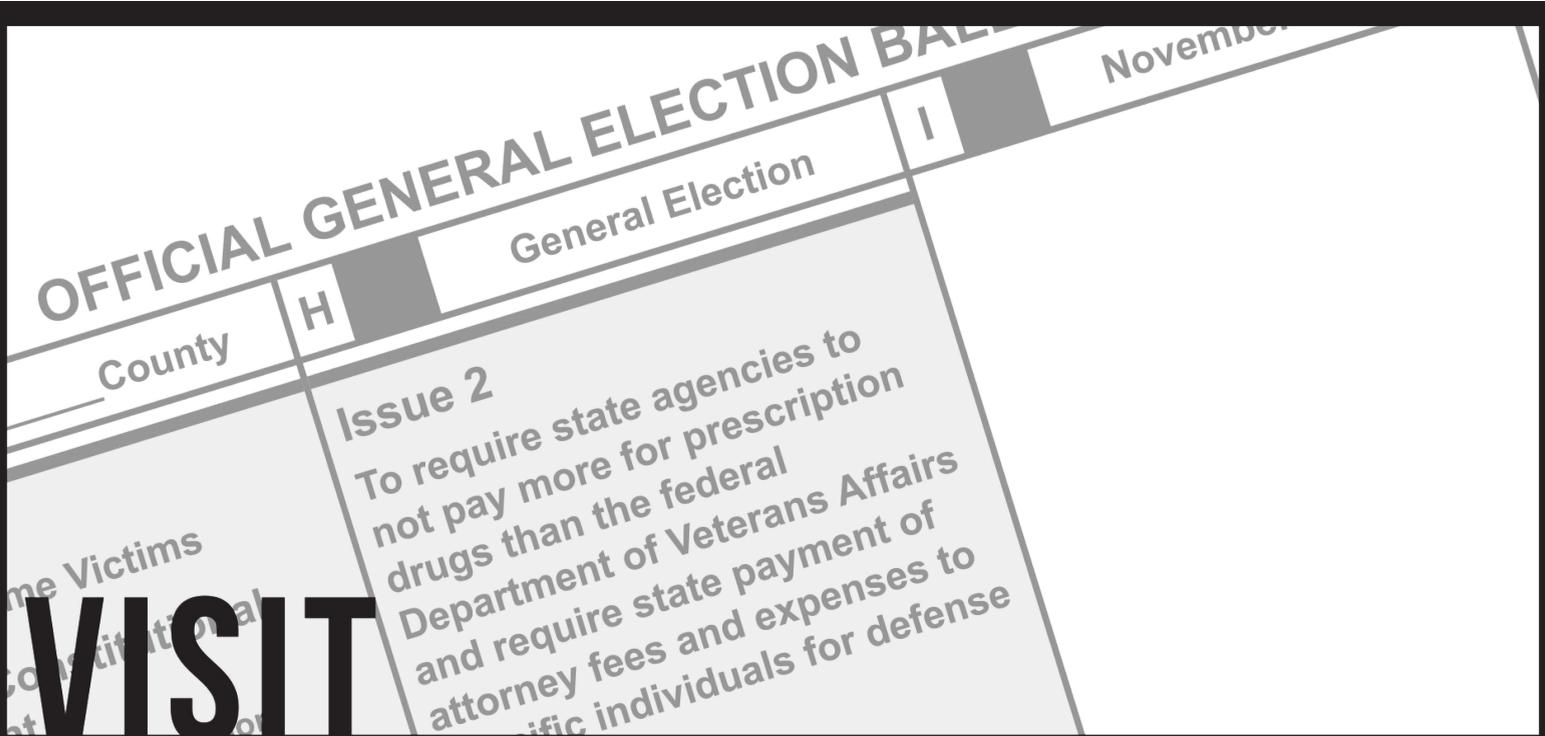
(F) Severability.

If any provision of this Act, or part thereof, or the applicability of any provision or part to any person or circumstances, is for any reason held to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, but shall remain in full force and effect, and to this end the provisions and parts of this Act are severable. If this Act and another law are approved by the voters at the same election with one or more conflicting provisions and this Act receives fewer votes, the non-conflicting provisions of this Act shall go into effect.

(G) Legal Defense.

If any provision of this Act is challenged in court, it shall be defended by the Attorney General of Ohio. The People of Ohio, by enacting this Act, hereby declare that the committee of individuals responsible for the circulation of the petition proposing this Act (“the Proponents”) have a direct and personal stake in defending this Act from constitutional or other challenges. In the event of a challenge, any one or more of the Act’s Proponents shall be entitled to assert their direct and

personal stake by defending the Act’s validity in any court of law, including on appeal. The Proponents shall be indemnified by the State of Ohio for their reasonable attorney’s fees and expenses incurred in defending the validity of the challenged Act. In the event that the Act or any of its provisions or parts are held by a court of law, after exhaustion of any appeals, to be unenforceable as being in conflict with other statutory or constitutional provisions, the Proponents shall be jointly and severally liable to pay a civil fine of \$10,000 to the State of Ohio, but shall have no other personal liability to any person or entity.



VISIT
MYOHIOVOTE.COM/ISSUES/

TO VIEW VIDEO
SUMMARIES ABOUT THESE
STATEWIDE ISSUES