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VIA HAND DELIVERY

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Re: Proposed Referendum on H.B. 6

Gentlemen:

I enclose a copy of our Firm's research memorandum concluding that: (1) H.B. 6 is a "law providing for a tax levy" that is excepted from referendum under Article II, Section 1d of the Ohio Constitution; and (2) the Secretary of State therefore has a clear legal duty pursuant to R.C. 3501.39(A)(4) to reject the Referendum Petition on H.B. 6.

I am glad to discuss this research further at your convenience.

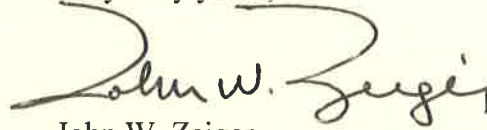
Two cases that have been mentioned do not impact our analysis as they are simply inapplicable to the present issue.

- In *State ex rel. LetOhioVote.org v. Brunner*, 123 Ohio St.3d 322 (2009), the Supreme Court held that the video-lottery-terminal provisions of 2009 H.B. 1 were subject to referendum because those provisions *were not appropriations* for the current expenses of the state government. In contrast, the recently enacted H.B. 6 is clearly a "law providing for a tax levy" and, thus, is not subject to referendum.
- In *State ex rel. Ohioans for Fair Districts v. Husted*, 130 Ohio St.3d 240 (2011), the Court held that the provisions of 2011 H.B. 319 establishing new congressional districts in Ohio were subject to referendum because those provisions *were not appropriations* for current expenses of the state government. In contrast, here, H.B. 6 is plainly a law imposing a tax levy that is not subject to referendum.

Nothing in either of these two decisions diminishes the Secretary of State's clear legal duty to reject a referendum petition where, as here, it seeks to refer a law that is plainly and persuasively a law providing for a tax levy that is exempt from a referendum under Article II, Section 1d of the Ohio Constitution.

Please do not hesitate to contact me if I can be of further assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John W. Zeiger". The signature is fluid and cursive, with a large initial "Z" that loops back under the name.

John W. Zeiger

Encl.

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