

Voters' Guide 2017

The League of Women Voters of Ohio, founded in 1920, is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Complementing it is the League of Women Voters of Ohio Education Fund that provides nonpartisan information and educational services to citizens.

Prior to each state and national election, the League of Women Voters of Ohio Education Fund provides nonpartisan information on statewide candidates and issues to its local Leagues and Ohio voters. This information is used in Voters' Guides which are distributed by local Leagues throughout the state, as well as on www.Vote411.org the LWV's one-stop-shop for voter information nationwide.

On the ballot for the November 7, 2017 General Election are two state issues:

- **State Issue 1: *Rights for Crime Victims*; and**
- **State 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.***

The summaries of both ballot issues were prepared by the League of Women Voters of Ohio Education Fund. The pros and cons listed for each issue are abbreviated versions of the arguments put forward by the respective issue campaigns. The title listed for each issue is the official title assigned by the Ohio Ballot Board.

Issue 1 is an initiated amendment to the Ohio Constitution. There are three ways to amend the Ohio Constitution: proposal by the General Assembly; proposal by the people through an initiative petition; or by constitutional convention.

Issue 2 is an initiated statute. There are two ways to enact a statute in Ohio: legislation passed by the General Assembly and signed by the Governor; or proposal by the people through an initiative petition.

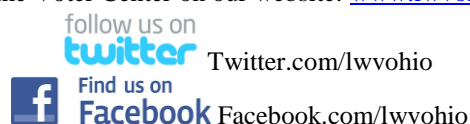
In all cases, proposals submitted to the voters must be approved by a simple majority.

**Deadline for Voter Registration is October 10, 2017.
Absentee and In-person Early Voting begins October 11, 2017.
The General Election Day is November 7, 2017.**

Prepared by the
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Looking for information on voter registration, voter ID, and how to cast your ballot?

Visit the Voter Center on our website: www.lwvohio.org



Statewide Ballot Issues

Issue 1: Marsy's Law or "Crime Victims' Bill of Rights"

Will appear on the ballot as "STATE ISSUE 1: Rights for Crime Victims"

Generally known as Marsy's Law or "Crime Victims' Bill of Rights", this initiative would alter the state Constitution to require that crime victims be notified and consulted on developments in their cases.

(Proposed by Initiative Petition)

A **YES** vote means approval of the constitutional amendment.

A **NO** vote means disapproval of the constitutional amendment.

If approved, the proposed amendment will take effect 90 days after Election Day.

League Explanation of Issue 1:

Crime Victims' Bill of Rights

Issue 1 (Marsy's Law) will alter the state constitution to significantly expand the rights of victims in Ohio. The law would ensure that crime victims have a meaningful role throughout criminal and juvenile justice systems. It would provide crime victims with specific constitutional rights, including the right to be treated with fairness and respect for the victim's safety, dignity, and privacy; to be notified about and present at proceedings; to be heard at proceedings involving release, plea, sentencing, disposition, or parole of the accused; to a prompt conclusion of the case; to reasonable protection from the accused; to be notified about release or escape of the accused; to refuse an interview or deposition at the request of the accused; and to receive restitution from the individual who committed the criminal offense.

Marsy's Law is named after Marsy Nicholas, a California college student who was stalked and killed by her ex-boyfriend in 1983. One week after her death, her mother and brother Henry walked into a grocery store where they saw the accused murderer. The family had no idea that he had been released on bail. [Dr. Henry T. Nicholas](#), brother of Marsy, is the key backer and proponent of Marsy's Law. Marsy's Law initiatives have been passed in California, Illinois, Montana, North Dakota and South Dakota (see <https://marsyslaw.us/about-marsys-law/marsys-story/>).

There is already language addressing rights of crime victims in the Ohio constitution which voters passed in [1994](#). However, Marsy's Law would replace it with language that, as described above, would expand the existing rights of victims and would establish new rights for victims.

Pros:

1. This proposed law will increase the legal rights and privileges of victims.
2. Marsy's Law would replace the 1994 Ohio Victims' Rights Amendment, which victims' rights advocates said has been unenforceable.
3. The proposed law would ensure that victims are informed when the accused offender is released from custody.
4. It will inform crime victims of their rights.

Cons:

1. The amendment would override state law, eliminating judges' abilities to weigh the rights of victims and defendants.
2. Victims are already protected by 1994 Ohio Victims' Rights Amendment in the constitution.
3. The amendment would allow crime victims to directly file an appeal, overstepping the decisions of prosecutors.
4. Victims could refuse to be interviewed or to turn over pertinent evidence or testimony.

PROPONENTS: [Marsy's Law for Ohio](#) is leading the campaign in support of the initiative.

OPPONENTS: Opponents of Marsy's Law include the Ohio Public Defender, the Ohio Association of Criminal Defense Lawyers, the Ohio Prosecuting Attorneys Association, and the American Civil Liberties Union of Ohio.

Issue 2: The Ohio Drug Price Relief Act

Will appear on the ballot as “STATE 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”

Prohibits the state from buying any prescription drug from a drug manufacturer for a price over the lowest price paid for the drug by the United States Department of Veterans Affairs (VA).

(Proposed by Initiative Petition)

A **YES** vote means approval of the Act.

A **NO** vote means disapproval of the Act.

If approved, the proposed Act will take effect immediately after Election Day.

League Explanation of Issue 2:

The Ohio Drug Price Relief Act

Issue 2 would limit the amount the state and state agencies could pay for prescription drugs. This Act is designed to restrict the amount that any state agency could pay for drugs, tying it to the price paid by the VA. The VA negotiates drug prices with companies and typically pays 20 to 24 percent less than other agencies for prescription drugs. Specifically, it would forbid state agencies to enter into any purchasing agreement with drug manufacturers unless the net cost of the drug is the same or less than that paid by the VA.

State agencies would not be allowed to pay more than the VA pays for a particular medication. These state agencies include, but are 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 (the program for people with low incomes or disabilities).

The bill will only impact those who receive drugs paid for by the State, not those with any other type of coverage. If adopted, the proposed statute would affect only those associated with the above mentioned state agencies - roughly 4 million Ohioans. The Act would not apply to those who use private insurance, Medicare, or other non-state-provided coverage - approximately 7 million Ohioans.

In addition, Issue 2 requires the state to pay sponsors' attorney fees and expenses. It gives the sponsors, the four individuals responsible for circulating the petition to place the issue on the ballot, the right to defend legal challenges to the law. It will require the Attorney General to defend the law if challenged in court. It also says that should the court find Issue 2 is unenforceable, the petitioners would be fined \$10,000.

Pros:

1. Drug costs are the main driver of rising health care cost. There is an urgent need to control costs while maintaining access to needed medications.
2. Too many Ohioans must choose between the basic necessities of life and paying for their medications.
3. There is an indirect benefit to taxpayers as the state would save an estimated \$400 million per year on drugs. This could free up some substantial money that the state could use for other programs.
4. Ohio Attorney General Mike DeWine has indicated he will defend the law from the inevitable lawsuits so the petitioners will not need taxpayers to pay attorney fees.

Cons:

1. The Act does not define some important terms, such as “drug,” “state,” “ultimate payer,” and “net cost.”
2. The Act does not address pricing of drugs that are *not* purchased by the VA and creates costly, complex purchasing arrangements.
3. Pharmaceutical companies might respond to passage of the Act by a) negating existing discounts and rebates, b) raising prescription prices charged to non-covered entities and individuals, and/or c) raising prices charged to the VA.
4. Requires Ohio taxpayers to pay the sponsors’ attorney fees and expenses, win or lose, and sets no cap on the total amount of attorney fees and expenses.

PROPONENTS: [Yes on Issue 2, also known as Ohio Taxpayers for Lower Drug Prices](#), is leading the campaign in support of the initiative.

OPPONENTS: [No on Issue 2, also known as Ohioans Against the Deceptive Rx Ballot Issue](#), is leading the campaign in opposition to the initiative

Further Information:

A similar proposition (Proposition 61) appeared on the California ballot in 2016. It was defeated. [More information on California Proposition 61.](#)

[Analysis from Case-Western Reserve University professor Maxwell J. Mehlman](#) commissioned by Yes on Issue 2, the campaign supporting the proposal.

[Analysis from Vorys Healthcare Advisors](#) commissioned by Ohioans Against the Deceptive Rx Issue, the campaign opposing the proposal