

US Supreme Court declines Ohio AG Yost's request to take up qualified immunity amendment case

Ohio AG Dave Yost can't hold up a qualified immunity amendment from clearing its first hurdle toward the Ohio ballot, the U.S. Supreme Court ruled

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Ohio Attorney General Dave Yost can't hold up a [qualified immunity amendment](#) from clearing its first hurdle toward the statewide ballot, [the U.S. Supreme Court ruled](#) when it denied Yost's attempt to block an earlier ruling.

And the attorney who brought the case says it could have sweeping implications for all Ohioans trying to change the state constitution.

The case stems from an [effort to put a constitutional amendment on the 2024 ballot](#) to eliminate qualified immunity, allowing citizens to sue police officers and other public employees who violate their constitutional rights.

The first step in a constitutional amendment is submitting 1,000 valid signatures and having the Ohio attorney general determine if the language submitted is "fair and truthful."

But Yost, a Republican, rejected the amendment's language eight times for dubious and picky reasons, said Mark Brown, a Capital University professor who brought the case on behalf of three Ohio voters.

[U.S. District Court Judge James Graham agreed](#), writing that American democracy relies on citizens determining for themselves what is fair and truthful.

"The Attorney General, one might say, has played the role of an antagonistic copyeditor, striking plaintiffs' work on technical

grounds," wrote Graham, who was appointed by President Ronald Reagan.

Through a series of appeals that reached the U.S. Supreme Court, Yost sought to block that decision. But on [April 22, the U.S. Supreme Court denied Yost's request](#). Three justices, Clarence Thomas, Samuel Alito and Brett Kavanaugh, disagreed and would have reviewed the case.

What happens next? The five-member Ohio Ballot Board must review the proposed constitutional amendment to see if it should be one ballot issue or more than one. Then, proponents will be cleared to collect the 413,487 valid signatures needed to make the ballot.

To complicate things further, the Ohio Ballot Board approved one version of the qualified immunity measure [in December](#) – but only after they removed the title and other items Yost disapproved of. The Ohio Supreme Court had stepped in to say Yost couldn't [reject a ballot initiative language because of its title alone](#).

But Brown said the group wants to move forward with its original language and title.

Yost, in a news release, wrote that he would work with Ohio lawmakers to change the ballot initiative summary process to "protect the integrity of Ohio's elections and freedom of speech." He wrote that the federal judge had "held Ohio's nearly century-old ballot initiative process was unconstitutional."

What does this ruling mean for future constitutional amendments? Brown says it's a big deal because future proposed constitutional amendments wouldn't have to pass Yost's muster. "It takes an antagonistic attorney general out of the equation."

Before this lawsuit, Yost could prevent anyone from getting to the ballot, Brown said. "If he says it's not fair and truthful, you're done."