

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. J. R. No. 5

Representative Antani



A JOINT RESOLUTION

Proposing to amend Sections 1a, 1b, 1e, and 1g of Article 1
II of the Constitution of the State of Ohio to modify 2
the requirements for the initiative and referendum 3
processes. 4

Be it resolved by the General Assembly of the State of 5
Ohio, three-fifths of the members elected to each house 6
concurring herein, that there shall be submitted to the electors 7
of the state, in the manner prescribed by law at a special 8
election to be held on May 8, 2018, a proposal to amend Sections 9
1a, 1b, 1e, and 1g of Article II of the Constitution of the 10
State of Ohio to read as follows: 11

ARTICLE II 12

Section 1a. The first aforestated power reserved by the 13
people is designated the initiative, and the signatures of ~~ten-~~ 14
twelve and one-half per centum-cent of the electors shall be 15
required upon a petition to propose an amendment to the 16
constitution. When a petition signed by the aforesaid required 17
number of electors, shall have been filed with the secretary of 18
state, and verified as herein provided, proposing an amendment 19
to the constitution, the full text of which shall have been set 20

forth in such petition, the secretary of state shall submit for 21
the approval or rejection of the electors, the proposed 22
amendment, in the manner hereinafter provided, at the next 23
succeeding regular or general election in any year occurring 24
subsequent to one hundred twenty-five days after the filing of 25
such petition. The initiative petitions, above described, shall 26
have printed across the top thereof: "Amendment to the 27
Constitution Proposed by Initiative Petition to be Submitted 28
Directly to the Electors." 29

Section 1b. (A)(1) When at any time, not less than ten 30
days prior to the commencement of any session of the general 31
assembly, there shall have been filed with the secretary of 32
state a petition signed by three and three-quarters per ~~centum-~~ 33
cent of the electors and verified as herein provided, proposing 34
a law, the full text of which shall have been set forth in such 35
petition, the secretary of state shall transmit the same to the 36
general assembly as soon as it convenes. If said proposed law 37
shall be passed by the general assembly, either as petitioned 38
for or in an amended form, it shall be subject to the 39
referendum. If it shall not be passed, or if it shall be passed 40
in an amended form, or if no action shall be taken thereon 41
within four months from the time it is received by the general 42
assembly, it shall be submitted by the secretary of state to the 43
electors for their approval or rejection, if such submission 44
shall be demanded by supplementary petition verified as herein 45
provided and signed by not less than three and three-quarters 46
per ~~centum-~~cent of the electors in addition to those signing the 47
original petition, which supplementary petition must be signed 48
and filed with the secretary of state within ninety days after 49
the proposed law shall have been rejected by the general 50
assembly or after the expiration of such term of four months, if 51

no action has been taken thereon, or after the law as passed by 52
the general assembly shall have been filed by the governor in 53
the office of the secretary of state. ~~The~~ 54

(2) The proposed law shall be submitted at the next 55
regular or general election occurring subsequent to one hundred 56
twenty-five days after the supplementary petition is filed in 57
the form demanded by such supplementary petition, which form 58
shall be either as first petitioned for or with any amendment or 59
amendments which may have been incorporated therein by either 60
branch or by both branches, of the general assembly. ~~If~~ 61

(3) If a proposed law so submitted is approved by a 62
~~majority the affirmative vote of not less than sixty per cent of~~ 63
the electors voting thereon, it shall be the law and shall go 64
into effect as herein provided in lieu of any amended form of 65
said law which may have been passed by the general assembly, and 66
such amended law passed by the general assembly shall not go 67
into effect until and unless the law proposed by supplementary 68
petition shall have been rejected by the electors. ~~All~~ 69

(4) All such initiative petitions, last above described, 70
shall have printed across the top thereof, in case of proposed 71
laws: "Law Proposed by Initiative Petition First to be Submitted 72
to the General Assembly." ~~Ballots~~ 73

(5) Ballots shall be so printed as to permit an 74
affirmative or negative vote upon each measure submitted to the 75
electors. ~~Any~~ 76

(B) Any proposed law or amendment to the constitution 77
submitted to the electors as provided in 1a and 1b, if approved 78
by a ~~majority the affirmative vote of not less than sixty per~~ 79
cent of the electors voting thereon, shall take effect thirty 80
days after the election at which it was approved and shall be 81

published by the secretary of state. ~~If~~ 82

(C) If conflicting proposed laws or conflicting proposed 83
amendments to the constitution shall be approved at the same 84
election ~~by a majority of the total number of votes cast for and~~ 85
~~against the same~~, the one receiving the highest number of 86
affirmative votes shall be the law, or in the case of amendments 87
to the constitution shall be the amendment to the constitution. 88
~~No~~ 89

(D) No law proposed by initiative petition and approved by 90
the electors shall be subject to the veto of the governor. 91

Section 1e. (A) The powers defined herein as the 92
"initiative" and "referendum" shall not be used to pass a law 93
authorizing any classification of property for the purpose of 94
levying different rates of taxation thereon or of authorizing 95
the levy of any single tax on land or land values or land sites 96
at a higher rate or by a different rule than is or may be 97
applied to improvements thereon or to personal property. 98

(B) (1) Restraint of trade or commerce being injurious to 99
this state and its citizens, the power of the initiative shall 100
not be used to pass an amendment to this constitution that would 101
grant or create a monopoly, oligopoly, or cartel, specify or 102
determine a tax rate, or confer a commercial interest, 103
commercial right, or commercial license to any person, nonpublic 104
entity, or group of persons or nonpublic entities, or any 105
combination thereof, however organized, that is not then 106
available to other similarly situated persons or nonpublic 107
entities. 108

(2) If a constitutional amendment proposed by initiative 109
petition is certified to appear on the ballot and, in the 110
opinion of the Ohio ballot board, the amendment would conflict 111

with division (B) (1) of this section, the board shall prescribe 112
two separate questions to appear on the ballot, as follows: 113

(a) The first question shall be as follows: 114

"Shall the petitioner, in violation of division (B) (1) of 115
Section 1e of Article II of the Ohio Constitution, be authorized 116
to initiate a constitutional amendment that grants or creates a 117
monopoly, oligopoly, or cartel, specifies or determines a tax 118
rate, or confers a commercial interest, commercial right, or 119
commercial license that is not available to other similarly 120
situated persons?" 121

(b) The second question shall describe the proposed 122
constitutional amendment. 123

(c) If both questions are approved or affirmed by a- 124
~~majority the affirmative vote of not less than sixty per cent of~~ 125
the electors voting on them, then the constitutional amendment 126
shall take effect. If only one question is so approved or 127
~~affirmed by a majority of the electors voting on it,~~ then the 128
constitutional amendment shall not take effect. 129

(3) ~~If, at the general election held on November 3, 2015,~~ 130
~~the electors approve a proposed constitutional amendment that~~ 131
~~conflicts with division (B) (1) of this section with regard to~~ 132
~~the creation of a monopoly, oligopoly, or cartel for the sale,~~ 133
~~distribution, or other use of any federal Schedule I controlled~~ 134
~~substance, then notwithstanding any severability provision to~~ 135
~~the contrary, that entire proposed constitutional amendment~~ 136
~~shall not take effect. If, at any subsequent election, the~~ 137
electors approve a proposed constitutional amendment that was 138
proposed by an initiative petition, that conflicts with division 139
(B) (1) of this section, and that was not subject to the 140
procedure described in division (B) (2) of this section, then 141

notwithstanding any severability provision to the contrary, that 142
entire proposed constitutional amendment shall not take effect. 143

(C) The supreme court of Ohio shall have original, 144
exclusive jurisdiction in any action that relates to this 145
section. 146

Section 1g. (A) (1) Any initiative, supplementary, or 147
referendum petition may be presented in separate parts but each 148
part shall contain a full and correct copy of the title, and 149
text of the law, section or item thereof sought to be referred, 150
or the proposed law or proposed amendment to the constitution. 151
~~Each-~~ 152

(2) ~~Each~~ signer of any initiative, supplementary, or 153
referendum petition must be an elector of the state and shall 154
place on such petition after ~~his~~ the signer's name the date of 155
signing and ~~his~~ the signer's place of residence. A signer 156
residing outside of a municipality shall state the county and 157
the rural route number, post office address, or township of ~~his-~~ 158
the signer's residence. A resident of a municipality shall state 159
the street and number, if any, of ~~his~~ the signer's residence and 160
the name of the municipality or post office address. The names 161
of all signers to such petitions shall be written in ink, each 162
signer for ~~himself~~ the signer's self. ~~To-~~ 163

(3) ~~To~~ each part of such petition shall be attached the 164
statement of the circulator, as may be required by law, that ~~he-~~ 165
the circulator witnessed the affixing of every signature. ~~The A~~ 166
petition circulator shall serve without compensation. 167

(4) ~~The~~ secretary of state shall determine the sufficiency 168
of the signatures not later than one hundred five days before 169
the election. 170

(B) The Ohio supreme court shall have original, exclusive jurisdiction over all challenges made to petitions and signatures upon such petitions under this section. Any challenge to a petition or signature on a petition shall be filed not later than ninety-five days before the day of the election. The court shall hear and rule on any challenges made to petitions and signatures not later than eighty-five days before the election. If no ruling determining the petition or signatures to be insufficient is issued at least eighty-five days before the election, the petition and signatures upon such petitions shall be presumed to be in all respects sufficient.

(C) If the petitions or signatures are determined to be insufficient, ten additional days shall be allowed for the filing of additional signatures to such petition. If additional signatures are filed, the secretary of state shall determine the sufficiency of those additional signatures not later than sixty-five days before the election. Any challenge to the additional signatures shall be filed not later than fifty-five days before the day of the election. The court shall hear and rule on any challenges made to the additional signatures not later than forty-five days before the election. If no ruling determining the additional signatures to be insufficient is issued at least forty-five days before the election, the petition and signatures shall be presumed to be in all respects sufficient.

(D) No law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving ~~an the affirmative majority of the votes cast thereon~~ vote of not less than sixty per cent of the electors voting on it, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor shall the rejection of any law submitted

by referendum petition be held invalid for such insufficiency. 202

~~Upon~~ 203

(E) Upon all initiative, supplementary, and referendum 204
petitions provided for in any of the sections of this article, 205
it shall be necessary to file from each of one-half of the 206
counties of the state, petitions bearing the signatures of not 207
less than one-half of the designated percentage of the electors 208
of such county. ~~A~~ 209

(F) (1) ~~A~~ true copy of all laws or proposed laws or 210
proposed amendments to the constitution, together with an 211
argument or explanation, or both, for, and also an argument or 212
explanation, or both, against the same, shall be prepared. ~~The~~ 213

(2) ~~The~~ person or persons who prepare the argument or 214
explanation, or both, against any law, section, or item, 215
submitted to the electors by referendum petition, may be named 216
in such petition and the persons who prepare the argument or 217
explanation, or both, for any proposed law or proposed amendment 218
to the constitution may be named in the petition proposing the 219
same. The person or persons who prepare the argument or 220
explanation, or both, for the law, section, or item, submitted 221
to the electors by referendum petition, or against any proposed 222
law submitted by supplementary petition, shall be named by the 223
general assembly, if in session, and if not in session then by 224
the governor. ~~The~~ 225

(3) ~~The~~ law, or proposed law, or proposed amendment to the 226
constitution, together with the arguments and explanations, not 227
exceeding a total of three hundred words for each, and also the 228
arguments and explanations, not exceeding a total of three 229
hundred words against each, shall be published once a week for 230
three consecutive weeks preceding the election, in at least one 231

newspaper of general circulation in each county of the state, 232
where a newspaper is published. ~~The~~ 233

(G) ~~The~~ secretary of state shall cause to be placed upon 234
the ballots, the ballot language for any such law, or proposed 235
law, or proposed amendment to the constitution, to be submitted. 236
The ballot language shall be prescribed by the Ohio ballot board 237
in the same manner, and subject to the same terms and 238
conditions, as apply to issues submitted by the general assembly 239
pursuant to Section 1 of Article XVI of this constitution. The 240
ballot language shall be so prescribed and the secretary of 241
state shall cause the ballots so to be printed as to permit an 242
affirmative or negative vote upon each law, section of law, or 243
item in a law appropriating money, or proposed law, or proposed 244
amendment to the constitution. ~~The~~ 245

(H) ~~The~~ style of all laws submitted by initiative and 246
supplementary petition shall be: "Be it Enacted by the People of 247
the State of Ohio," and of all constitutional amendments: "Be it 248
Resolved by the People of the State of Ohio." ~~The~~ 249

(I) ~~The~~ basis upon which the required number of 250
petitioners in any case shall be determined shall be the total 251
number of votes cast for the office of governor at the last 252
preceding election therefor. ~~The~~ 253

(J) ~~The~~ foregoing provisions of this section shall be 254
self-executing, except as herein otherwise provided. Laws may be 255
passed to facilitate their operation, but in no way limiting or 256
restricting either such provisions or the powers herein 257
reserved. 258

EFFECTIVE DATE AND REPEAL 259

If adopted by a majority of the electors voting on this 260

proposal, Sections 1a, 1b, 1e, and 1g of Article II of the 261
Constitution of the State of Ohio as amended by this proposal 262
shall take effect immediately and existing Sections 1a, 1b, 1e, 263
and 1g of Article II of the Constitution of the State of Ohio 264
shall be repealed from such effective date. 265

SCHEDULE 266

The amendments to Section 1g of Article II of the 267
Constitution of the State of Ohio in part substitute gender 268
neutral for gender specific language. These gender neutralizing 269
amendments are not intended to make a substantive change in the 270
Ohio Constitution. The gender neutral language is to be 271
construed as a restatement of, and substituted in a continuing 272
way for, the corresponding gender specific language existing 273
before adoption of the gender neutralizing amendments. 274