



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Abby McMahon

H.J.R. 19

132nd General Assembly
(As Introduced)

Reps. LaTourette and Holmes, Antani, Lipps, R. Smith

RESOLUTION SUMMARY

Initiated constitutional amendment

- Increases from a majority to 60% the percentage required to approve a constitutional amendment submitted to the electors by initiated petition.
- Requires an initiated constitutional amendment petition be submitted to the Secretary of State not later than April 1 of the year in which the amendment is to be placed on the ballot.
- Specifies that a signature on an initiated constitutional amendment petition is valid for 180 days from the date the person signed it.

Initiated proposed statute

- Modifies the signature requirement for an initiated statute petition to require signatures from 5% of the electors based on the most recent vote for Governor.
- Removes the requirement for a supplemental petition to be filed to place an initiated statute on the ballot after the General Assembly enacts the statute in an amended form or takes no action.
- Prohibits a statute proposed by initiated petition and approved by the electors from being amended, repealed, or suspended by the General Assembly for one year from the statute's effective date.

CONTENT AND OPERATION

Initiated constitutional amendment

To propose a constitutional amendment by initiated petition, petitioners must file with the Secretary of State a petition that is signed by 10% of the electors based on the most recent vote for Governor. The resolution specifies that a signature on a petition is valid for 180 days from the date signed and requires the petition to be filed with the Secretary not later than April 1 of the year in which the amendment is to be placed on the ballot. Under continuing law, the Secretary must submit the proposed amendment to the electors at the next regular or general election that occurs 125 days after the initiated constitutional amendment petition is filed.

Additionally, the resolution increases the percentage of affirmative votes required to approve a proposed initiated constitutional amendment. The amendment submitted must be approved by 60% of the electors voting on that amendment for it to take effect. Under current law, an affirmative vote by a majority of the electors is required for the amendment to take effect. Continuing law requires the approved amendment to take effect 30 days after the election at which it was approved. If conflicting proposed amendments are approved at the same election, the amendment that received the highest number of affirmative votes is adopted.¹

Initiated proposed statute

To propose a statute by initiated petition, the petition must be filed with the Secretary not less than ten days before the beginning of any session of the General Assembly. Under the resolution, the percentage of electors required to sign the petition is modified to require 5% of the electors based on the most recent vote for Governor. Current law requires an initial petition to include signatures from 3% of those electors, and signatures from an additional 3% of those electors for the supplemental petition.

Under continuing law, the Secretary then transmits the valid petition to the General Assembly as soon as it convenes and the General Assembly has four months to enact the statute as proposed, enact the statute in an amended form, or take no action.

The resolution removes the requirement for a supplemental petition to be submitted by the electors after the General Assembly enacts the proposed statute in an amended form or takes no action. The resolution instead requires the original proposed statute to be submitted to the electors for approval at a regular or general election occurring 125 days after the statute was enacted in an amended form or the four month

¹ Ohio Const., art. II, secs. 1a, 1e, and 1g.



period has expired. The person who proposed the initiated statute petition can withdraw the statute submitted to the electors.

Current law requires a supplemental petition to be filed if that statute as proposed is to be submitted to the electors. The supplemental petition must contain signatures from an additional 3% of the electors and be filed with the Secretary not later than 90 days after the proposed statute was rejected, no action was taken and the four months expired, or the enacted statute as amended was filed with the Governor. The proposed statute is then submitted to the electors at the next regular or general election that occurs 125 days after the supplemental petition was filed.

Additionally, the resolution prohibits a statute proposed by initiated petition and approved by the electors from being amended, repealed, or suspended by the General Assembly for one year from the statute's effective date. Any law passed to amend, repeal, or suspend an approved initiated statute before one year is void and unconstitutional.²

HISTORY

ACTION	DATE
Introduced	---

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² Ohio Const., art. II, secs. 1b and 1g.

