



OHIO LEGISLATIVE SERVICE COMMISSION

Resolution Analysis

Abby McMahon

H.J.R. 5

132nd General Assembly
(As Introduced)

Rep. Antani

RESOLUTION SUMMARY

- Increases the number of signatures required for an initiative petition to propose a constitutional amendment from 10% to 12.5% and for an initiative petition to propose a law from 3% to 3.75% of the total vote cast for the office of Governor at the last gubernatorial election.
 - Increases the affirmative vote required to pass a proposed constitutional amendment or law submitted to the electors from a majority of the electors to 60% of the electors voting on it.
 - Prohibits an initiative or referendum petition circulator from receiving compensation.
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CONTENT AND OPERATION

Initiative petition

The resolution requires that an initiative petition to propose a constitutional amendment have signatures from 12.5% of the total vote cast for the office of Governor at the last gubernatorial election. Under current law, the number of signatures required is 10% of the total vote cast. The resolution requires that an initiative petition to propose a law to be submitted to the General Assembly have signatures from 3.75% of the total vote cast for the office of Governor at the last gubernatorial election. Under current law, the number of signatures required is 3% of the total vote cast. Under the resolution, if the General Assembly does not pass the proposed law, passes the proposed law in an amended form, or does not act on the proposed law within four months of receiving it, the supplementary petition required to submit the law directly to the electors requires signatures from 3.75% of the total vote cast for the office of Governor at the last

gubernatorial election, not including the signatures received for the original initiative petition. Under current law, the required number of signatures for the supplementary petition is 3% of the total vote cast.

The resolution requires that a proposed constitutional amendment or law that has been submitted to the electors through an initiative petition must receive an affirmative vote of 60% of the electors voting on it to be approved. Under current law, a proposed constitutional amendment or law presented to electors must receive a majority vote to be approved.

Additionally, the resolution removes obsolete language that relates specifically to a proposed constitutional amendment submitted to the electors at the general election held on November 3, 2015.

Petition circulators

The resolution also prohibits the use of paid initiative and referendum petition circulators. Under current law, there is no prohibition against an initiative petition or referendum petition circulator receiving compensation (see **COMMENT**).¹

Date of election and effective date

The resolution specifies that the proposal is to appear on the ballot on May 8, 2018. If adopted by a majority of the electors voting on it, the proposal takes effect immediately.

COMMENT

A reviewing court might overturn part of the resolution that prohibits a petition circulator from receiving compensation on the ground that it violates the First Amendment. In 1988, the U.S. Supreme Court unanimously ruled a similar Colorado law unconstitutional for that reason. The court held that the circulation of an initiative petition involves core political speech and that the law imposed an impermissible burden on political expression.² Similarly, in 2008, the U.S. Court of Appeals for the Sixth Circuit overturned an Ohio law that prohibited paying petition circulators on any basis other than time worked.³

¹ Ohio Const., Article II, Sec. 1a, 1b, 1e, and 1g.

² *Meyer v. Grant*, 486 U.S. 414 (1988).

³ *Citizens for Tax Reform v. Deters*, 518 F.3d 375 (6th Cir. 2008).



HISTORY

ACTION

DATE

Introduced

11-01-17

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