A JOINT RESOLUTION

Proposing to amend Sections 1a, 1b, and 1e of Article II of the Constitution of the State of Ohio to prohibit an initiated constitutional amendment that would grant a monopoly or a special commercial economic interest, privilege, benefit, right, or license to any person or entity and to modify the procedure to propose a law or a constitutional amendment by initiative petition.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 3, 2015, a proposal to amend Sections 1a, 1b, and 1e of Article II of the Constitution of the State of Ohio to read as follows:

ARTICLE II
Section 1a. (A) The first aforestated power reserved by the people is designated the initiative, and the...

(B) Whoever seeks to propose a constitutional amendment by initiative petition shall submit to the attorney general, in the manner and with the requisite number of signatures prescribed by law, an initial petition containing the proposed constitutional amendment and a summary of it that contains a fair and truthful statement of the proposed constitutional amendment. The attorney general shall examine the summary to determine whether it is a fair and truthful statement of the proposed constitutional amendment and shall examine the proposed constitutional amendment to determine whether it violates or is inconsistent with division (B)(1) or (2) of Section 1e of this article.

A petitioner who is aggrieved by the attorney general's determination may challenge the determination in the supreme court of Ohio. The supreme court of Ohio shall have exclusive, original jurisdiction in all such challenges.

(C) The petition shall contain only one proposed constitutional amendment, so as to enable the electors to vote on each proposal separately. The Ohio ballot board shall determine whether the petition contains only one proposed constitutional amendment.

(D) After complying with divisions (B) and (C) of this section, the petitioners shall file with the secretary of state a petition containing the signatures of ten per centum of the electors shall be required upon a petition to propose an amendment to the constitution. When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary of state, and verified as herein
provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors, the proposed amendment, in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to one hundred twenty-five days after the filing of such petition. The initiative petitions, above described, shall have printed across the top thereof: "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors."

Section 1b. (A) Whoever seeks to propose a law by initiative petition shall submit to the attorney general, in the manner and with the requisite number of signatures prescribed by law, an initial petition containing the proposed law and a summary of it that contains a fair and truthful statement of the proposed law. The attorney general shall examine the summary to determine whether it is a fair and truthful statement of the proposed law.

A petitioner who is aggrieved by the attorney general's determination may challenge the determination in the supreme court of Ohio. The supreme court of Ohio shall have exclusive, original jurisdiction in all such challenges.

(B) The petition shall contain only one proposed law, so as to enable the electors to vote on each proposal separately. The Ohio ballot board shall determine whether the petition contains only one proposed law.

(C) When at any time after the requirements of divisions (A) and (B) of this section have been met, not less than ten days prior to the commencement of any session
of the general assembly, there shall have been filed with
the secretary of state a petition signed by three per centum
of the electors and verified as herein provided, proposing a
law, the full text of which shall have been set forth in
such petition, the secretary of state shall transmit the
same to the general assembly as soon as it convenes. If said
proposed law shall be passed by the general assembly, either
as petitioned for or in an amended form, it shall be subject
to the referendum. If it shall not be passed, or if it shall
be passed in an amended form, or if no action shall be taken
thereon within four months from the time it is received by
the general assembly, it shall be submitted by the secretary
of state to the electors for their approval or rejection, if
such submission shall be demanded by supplementary petition
verified as herein provided and signed by not less than
three per centum of the electors in addition to those
signing the original petition, which supplementary petition
must be signed and filed with the secretary of state within
ninety days after the proposed law shall have been rejected
by the general assembly or after the expiration of such term
of four months, if no action has been taken thereon, or
after the law as passed by the general assembly shall have
been filed by the governor in the office of the secretary of
state. The proposed law shall be submitted at the next
regular or general election occurring subsequent to one
hundred twenty-five days after the supplementary petition is
filed in the form demanded by such supplementary petition,
which form shall be either as first petitioned for or with
any amendment or amendments which may have been incorporated
therein by either branch or by both branches, of the general
assembly. If a proposed law so submitted is approved by a
majority of the electors voting thereon, it shall be the law
and shall go into effect as herein provided in lieu of any amended form of said law which may have been passed by the general assembly, and such amended law passed by the general assembly shall not go into effect until and unless the law proposed by supplementary petition shall have been rejected by the electors. All such initiative petitions, last above described, shall have printed across the top thereof, in case of proposed laws: "Law Proposed by Initiative Petition First to be Submitted to the General Assembly." Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors. Any proposed law or amendment to the constitution submitted to the electors as provided in 1a and 1b, if approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which it was approved and shall be published by the secretary of state. If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law, or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the electors shall be subject to the veto of the governor.

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

(B)(1) The power of the initiative shall not be used to pass an amendment to this constitution that would grant or create a monopoly or a special interest, privilege, benefit, right, or license of a commercial economic nature to any person, partnership, association, corporation, organization, or other nonpublic entity, or any combination thereof, however organized, that is not available to other similarly situated persons, partnerships, associations, corporations, organizations, or other nonpublic entities at the time the amendment is scheduled to become effective.

(2)(a) A constitutional amendment may be proposed that would repeal or suspend division (B)(1) of this section or amend division (B)(1) of this section to include an exception, only if the proposed amendment contains no other provision.

(b) A proposed amendment to this constitution that, but for the repeal, suspension, or amendment described in division (B)(2)(a) of this section, would violate division (B)(1) of this section may be submitted to the electors only at a regular or general election occurring subsequent to the election at which the electors approved the repeal, suspension, or amendment described in division (B)(2)(a) of this section.

(3) An initiative petition filed under Section 1a of this article is not valid if the attorney general determines that it proposes a constitutional amendment that would violate or be inconsistent with division (B)(1) or (2) of this section. A proposed constitutional amendment contained
in a petition that violates this division shall not be submitted to the electors.

(4) If, at the general election held on November 3, 2015, the electors approve a proposed constitutional amendment that violates or is inconsistent with division (B) (1) of this section or if, at any subsequent election, the electors approve such a constitutional amendment that was proposed by an initiative petition certified by the attorney general and the Ohio ballot board prior to the effective date of this amendment, then notwithstanding any severability provision to the contrary, that entire proposed constitutional amendment shall not take effect. The supreme court of Ohio shall have original, exclusive jurisdiction in any action that relates to this division.

EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, Sections 1a, 1b, and 1e of Article II as amended by this proposal shall take immediate effect and existing Sections 1a, 1b, and 1e of Article II of the Constitution of the State of Ohio shall be repealed from that effective date.

SCHEDULE

Division (B)(1) of Section 1e of Article II of the Constitution of the State of Ohio, as amended by this proposal, does not apply to any provision of the Constitution of the State of Ohio in effect prior to the effective date of that amendment.