

As Adopted by the Senate

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

S. C. R. No. 20

Senators Obhof, Peterson

**Cosponsors: Senators Balderson, Beagle, Burke, Coley, Dolan, Eklund,
Gardner, Hackett, Hoagland, Hottinger, Huffman, Kunze, LaRose, Lehner,
Manning, McColley, Oelslager, Terhar, Uecker, Wilson**

A C O N C U R R E N T R E S O L U T I O N

Summoning the Honorable William M. O'Neill, Justice of 1
the Supreme Court of Ohio, to appear before the 2
General Assembly and show cause why he should not be 3
removed from office under Article IV, Section 17 of 4
the Ohio Constitution. 5

**BE IT RESOLVED BY THE SENATE OF THE STATE OF OHIO (THE HOUSE OF
REPRESENTATIVES CONCURRING):**

WHEREAS, Article IV, Section 17 of the Ohio Constitution 6
provides that the General Assembly, upon the concurrence of two- 7
thirds of the members elected to each house, may adopt a 8
concurrent resolution removing a judge from office; and 9

WHEREAS, Article IV, Section 17 of the Ohio Constitution 10
also provides that such a concurrent resolution may be adopted 11
only upon complaint, the substance of which having been entered 12
upon the Journal, and only after the judge has had notice of the 13
complaint and been provided with an opportunity to be heard; and 14

WHEREAS, The Senate and the House of Representatives of the 15
132nd General Assembly complain as follows under Article IV, 16

Section 17 of the Ohio Constitution against the Honorable 17
William M. O'Neill, Justice of the Supreme Court of Ohio: 18

1. Justice O'Neill currently sits as a Justice of the 19
Supreme Court of Ohio, with a term that expires on January 1, 20
2019. 21

2. On October 29, 2017, Justice O'Neill publicly announced 22
that he is running for Governor of Ohio. 23

3. His announcement as candidate for Governor was covered 24
widely in the news media. 25

4. On November 2, 2017, Justice O'Neill submitted a letter 26
to the Clerk of the Supreme Court of Ohio, in which he informed 27
the Court that he intended to become a partisan candidate for 28
the office of Governor, acknowledged that he is presently 29
engaged in a "campaign for governor," and stated that he would 30
recuse himself from any new cases but continue to rule on cases 31
he had already heard that were still pending a decision. 32

5. Justice O'Neill maintains an internet site for his 33
ongoing campaign for Governor, which currently states that, 34
"Bill O'Neill is a Democrat from Chagrin Falls running to be 35
your next Governor." 36

6. On January 9, 2018, Justice O'Neill publicly announced 37
his choice of candidate for Lieutenant Governor, i.e., his 38
"running mate" in his ongoing campaign for Governor. 39

7. As of the date of introduction of this concurrent 40
resolution, Justice O'Neill describes himself as a candidate for 41
Governor on his Twitter account, which is available at 42
<http://twitter.com/billforohio>. 43

8. Justice O'Neill has similarly described himself as a 44
candidate in other public forums, including other social media. 45

9. Justice O'Neill has announced his positions on a variety 46

of issues such as legalization of recreational marijuana, 47
raising the minimum wage, high speed rail, renewable energy, 48
prisons, school funding, and higher education. 49

10. According to media reports, Justice O'Neill's campaign 50
for Governor has already had at least one campaign manager. He 51
is currently soliciting applications for campaign staff on 52
social media. 53

11. Rule 4.5 of the Ohio Code of Judicial Conduct states 54
that, "Upon becoming a candidate in a primary or general 55
election for a nonjudicial elective office, a judge shall resign 56
from judicial office." 57

12. Despite this rule and repeated calls from public 58
officials and the general public that he is required to resign, 59
Justice O'Neill continues to rule on cases that he heard before 60
October 29, 2017. 61

13. From these facts, the Senate and the House of 62
Representatives find that Justice O'Neill's actions and his 63
candidacy in a partisan primary for a nonjudicial elective 64
office have been harmful to the public confidence in the 65
independence, integrity, and impartiality of the judiciary, 66
which warrants Justice O'Neill's removal from office under 67
Article IV, Section 17 of the Ohio Constitution; now therefore 68
be it 69

RESOLVED, That the Senate and the House of Representatives 70
therefore summon Justice O'Neill to appear before a joint 71
committee of the General Assembly and show cause why he should 72
not be removed from office under Article IV, Section 17 of the 73
Ohio Constitution. Within ten days after being served with this 74
resolution, Justice O'Neill shall contact the offices of the 75
President of the Senate and the Speaker of the House of 76
Representatives to establish the time and place at which he is 77

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4

so to appear; and be it further 78

RESOLVED, That in all proceedings under this resolution, 79
Justice O'Neill may have the assistance of counsel; and be it 80
further 81

RESOLVED, That the Clerk of the Senate and the Clerk of the 82
House of Representatives shall spread this resolution, which 83
includes the complaint, in full upon the pages of the Senate and 84
House Journals; and be it further 85

RESOLVED, That the Sergeant-at-Arms of the Senate shall 86
serve a copy of this resolution personally upon Justice O'Neill, 87
wherever he may be found. The Sergeant-at-Arms shall certify in 88
writing the fact of this service to the Clerk of the Senate and 89
the Clerk of the House of Representatives; and be it further 90

RESOLVED, That the Clerk of the Senate shall transmit 91
certified copies of this resolution to the Governor and to the 92
Chief Justice of the Supreme Court of Ohio. 93