

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. J. R. No. 4

Representatives Smith, R., Curtin

A JOINT RESOLUTION

Proposing to amend Sections 1a, 1b, and 1e of Article 1
II of the Constitution of the State of Ohio to
prohibit an initiated constitutional amendment
that would grant a monopoly or a special 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 aforesated 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, 20
in the manner prescribed by law, an initial petition 21
containing the proposed constitutional amendment and a 22
summary of it that contains a fair and truthful statement of 23
the proposed constitutional amendment. The attorney general 24
shall examine the summary to ensure that it is a fair and 25
truthful statement of the proposed constitutional amendment 26
and that the proposed constitutional amendment would not 27
violate or be inconsistent with division (B) (1) or (2) of 28
Section 1e of this article. 29

A petitioner who is aggrieved by the attorney general's 30
determination may challenge the determination in the supreme 31
court of Ohio. The supreme court of Ohio shall have 32
exclusive, original jurisdiction in all such challenges. 33

(C) The petition shall contain only one proposed 34
constitutional amendment, so as to enable the electors to 35
vote on each proposal separately. The Ohio ballot board 36
shall determine whether the petition contains only one 37
proposed constitutional amendment. 38

(D) After complying with divisions (B) and (C) of this 39
section, the petitioners shall file with the secretary of 40
state a petition containing the signatures of ten per centum 41
of the electors—shall be required upon a petition to propose— 42
an amendment to the constitution. When a petition signed by 43
the aforesaid required number of electors, shall have been 44
filed with the secretary of state, and verified as herein 45
provided, proposing an amendment to the constitution, the 46
full text of which shall have been set forth in such 47
petition, the secretary of state shall submit for the 48
approval or rejection of the electors, the proposed 49
amendment, in the manner hereinafter provided, at the next 50

succeeding regular or general election in any year occurring 51
subsequent to one hundred twenty-five days after the filing 52
of such petition. The initiative petitions, above described, 53
shall have printed across the top thereof: "Amendment to the 54
Constitution Proposed by Initiative Petition to be Submitted 55
Directly to the Electors." 56

Section 1b. (A) Whoever seeks to propose a law by 57
initiative petition shall submit to the attorney general, in 58
the manner prescribed by law, an initial petition containing 59
the proposed law and a summary of it that contains a fair 60
and truthful statement of the proposed law. The attorney 61
general shall examine the summary to ensure that it is a 62
fair and truthful statement of the proposed law. 63

A petitioner who is aggrieved by the attorney general's 64
determination may challenge the determination in the supreme 65
court of Ohio. The supreme court of Ohio shall have 66
exclusive, original jurisdiction in all such challenges. 67

(B) The petition shall contain only one proposed law, 68
so as to enable the electors to vote on each proposal 69
separately. The Ohio ballot board shall determine whether 70
the petition contains only one proposed law. 71

(C) When at any time after the requirements of 72
divisions (A) and (B) of this section have been met, not 73
less than ten days prior to the commencement of any session 74
of the general assembly, there shall have been filed with 75
the secretary of state a petition signed by three per centum 76
of the electors and verified as herein provided, proposing a 77
law, the full text of which shall have been set forth in 78
such petition, the secretary of state shall transmit the 79
same to the general assembly as soon as it convenes. If said 80

proposed law shall be passed by the general assembly, either 81
as petitioned for or in an amended form, it shall be subject 82
to the referendum. If it shall not be passed, or if it shall 83
be passed in an amended form, or if no action shall be taken 84
thereon within four months from the time it is received by 85
the general assembly, it shall be submitted by the secretary 86
of state to the electors for their approval or rejection, if 87
such submission shall be demanded by supplementary petition 88
verified as herein provided and signed by not less than 89
three per centum of the electors in addition to those 90
signing the original petition, which supplementary petition 91
must be signed and filed with the secretary of state within 92
ninety days after the proposed law shall have been rejected 93
by the general assembly or after the expiration of such term 94
of four months, if no action has been taken thereon, or 95
after the law as passed by the general assembly shall have 96
been filed by the governor in the office of the secretary of 97
state. The proposed law shall be submitted at the next 98
regular or general election occurring subsequent to one 99
hundred twenty-five days after the supplementary petition is 100
filed in the form demanded by such supplementary petition, 101
which form shall be either as first petitioned for or with 102
any amendment or amendments which may have been incorporated 103
therein by either branch or by both branches, of the general 104
assembly. If a proposed law so submitted is approved by a 105
majority of the electors voting thereon, it shall be the law 106
and shall go into effect as herein provided in lieu of any 107
amended form of said law which may have been passed by the 108
general assembly, and such amended law passed by the general 109
assembly shall not go into effect until and unless the law 110
proposed by supplementary petition shall have been rejected 111
by the electors. All such initiative petitions, last above 112

described, shall have printed across the top thereof, in 113
case of proposed laws: "Law Proposed by Initiative Petition 114
First to be Submitted to the General Assembly." Ballots 115
shall be so printed as to permit an affirmative or negative 116
vote upon each measure submitted to the electors. Any 117
proposed law or amendment to the constitution submitted to 118
the electors as provided in 1a and 1b, if approved by a 119
majority of the electors voting thereon, shall take effect 120
thirty days after the election at which it was approved and 121
shall be published by the secretary of state. If conflicting 122
proposed laws or conflicting proposed amendments to the 123
constitution shall be approved at the same election by a 124
majority of the total number of votes cast for and against 125
the same, the one receiving the highest number of 126
affirmative votes shall be the law, or in the case of 127
amendments to the constitution shall be the amendment to the 128
constitution. No law proposed by initiative petition and 129
approved by the electors shall be subject to the veto of the 130
governor. 131

Section 1e. (A) The powers defined herein as the 132
"initiative" and "referendum" shall not be used to pass a 133
law authorizing any classification of property for the 134
purpose of levying different rates of taxation thereon or of 135
authorizing the levy of any single tax on land or land 136
values or land sites at a higher rate or by a different rule 137
than is or may be applied to improvements thereon or to 138
personal property. 139

(B) (1) The power of the initiative shall not be used to 140
pass an amendment to this constitution that would grant or 141
create a monopoly or a special interest, privilege, benefit, 142
right, or license of an economic nature to any person, 143

partnership, association, corporation, organization, or 144
other nonpublic entity, or any combination thereof, however 145
organized, that is not available to other similarly situated 146
persons or entities at the time the amendment is scheduled 147
to become effective. 148

(2) (a) A constitutional amendment may be proposed that 149
would repeal or suspend division (B) (1) of this section or 150
amend division (B) (1) of this section to include an 151
exception, only if the proposed amendment contains no other 152
provision. 153

(b) A proposed amendment to this constitution that, but 154
for the repeal, suspension, or amendment described in 155
division (B) (2) (a) of this section, would violate division 156
(B) (1) of this section may be submitted to the electors only 157
at a regular or general election occurring subsequent to the 158
election at which the electors approved the repeal, 159
suspension, or amendment described in division (B) (2) (a) of 160
this section. 161

(3) An initiative petition filed under Section 1a of 162
this article is not valid if the attorney general determines 163
that it proposes a constitutional amendment that would 164
violate or be inconsistent with division (B) (1) or (2) of 165
this section. A proposed constitutional amendment contained 166
in a petition that violates this division shall not be 167
submitted to the electors. 168

(4) If, at the general election held on November 3, 169
2015, the electors approve a constitutional amendment that 170
violates or is inconsistent with division (B) (1) of this 171
section, then notwithstanding any severability provision to 172
the contrary, that entire proposed constitutional amendment 173

<u>shall not take effect.</u>	174
EFFECTIVE DATE AND REPEAL	175
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.	176 177 178 179 180 181
SCHEDULE	182
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.	183 184 185 186 187