

As Adopted by the House

131st General Assembly

Regular Session

2015-2016

Sub. H. J. R. No. 4

Representatives Smith, R., Curtin

Cosponsors: Representatives Brown, Buchy, Derickson, Green, McColley, Amstutz, Anielski, Blessing, Boose, Burkley, Butler, Conditt, Dever, Dovilla, Ginter, Grossman, Hackett, Hagan, Hall, Hayes, Henne, Hill, Huffman, Johnson, T., Koehler, Kraus, Landis, Maag, Manning, McClain, Perales, Reineke, Retherford, Rezabek, Ryan, Schaffer, Scherer, Schuring, Sears, Slaby, Sprague, Terhar, Thompson, Speaker Rosenberger

A JOINT RESOLUTION

Proposing to amend Sections 1a, 1b, and 1e of Article 1
II of the Constitution of the State of Ohio to 2
prohibit an initiated constitutional amendment 3
that would grant a monopoly or a special 4
commercial economic interest, privilege, benefit, 5
right, or license to any person or entity and to 6
modify the procedure to propose a law or a 7
constitutional amendment by initiative petition. 8

Be it resolved by the General Assembly of the State of 9
Ohio, three-fifths of the members elected to each house 10
concurring herein, that there shall be submitted to the 11
electors of the state, in the manner prescribed by law at the 12
general election to be held on November 3, 2015, a proposal 13
to amend Sections 1a, 1b, and 1e of Article II of the 14
Constitution of the State of Ohio to read as follows: 15

ARTICLE II 16

Section 1a. (A) The first aforestated power reserved by 17
the people is designated the initiative, ~~and the.~~ 18

(B) Whoever seeks to propose a constitutional amendment 19
by initiative petition shall submit to the attorney general, 20
in the manner and with the requisite number of signatures 21
prescribed by law, an initial petition containing the 22
proposed constitutional amendment and a summary of it that 23
contains a fair and truthful statement of the proposed 24
constitutional amendment. The attorney general shall examine 25
the summary to determine whether it is a fair and truthful 26
statement of the proposed constitutional amendment and shall 27
examine the proposed constitutional amendment to determine 28
whether it violates or is inconsistent with division (B)(1) 29
or (2) of Section 1e of this article. 30

A petitioner who is aggrieved by the attorney general's 31
determination may challenge the determination in the supreme 32
court of Ohio. The supreme court of Ohio shall have 33
exclusive, original jurisdiction in all such challenges. 34

(C) The petition shall contain only one proposed 35
constitutional amendment, so as to enable the electors to 36
vote on each proposal separately. The Ohio ballot board 37
shall determine whether the petition contains only one 38
proposed constitutional amendment. 39

(D) After complying with divisions (B) and (C) of this 40
section, the petitioners shall file with the secretary of 41
state a petition containing the signatures of ten per centum 42
of the electors ~~shall be required upon a petition to propose~~ 43
~~an amendment to the constitution.~~ When a petition signed by 44
the aforesaid required number of electors, shall have been 45
filed with the secretary of state, and verified as herein 46

provided, proposing an amendment to the constitution, the 47
full text of which shall have been set forth in such 48
petition, the secretary of state shall submit for the 49
approval or rejection of the electors, the proposed 50
amendment, in the manner hereinafter provided, at the next 51
succeeding regular or general election in any year occurring 52
subsequent to one hundred twenty-five days after the filing 53
of such petition. The initiative petitions, above described, 54
shall have printed across the top thereof: "Amendment to the 55
Constitution Proposed by Initiative Petition to be Submitted 56
Directly to the Electors." 57

Section 1b. (A) Whoever seeks to propose a law by 58
initiative petition shall submit to the attorney general, in 59
the manner and with the requisite number of signatures 60
prescribed by law, an initial petition containing the 61
proposed law and a summary of it that contains a fair and 62
truthful statement of the proposed law. The attorney general 63
shall examine the summary to determine whether it is a fair 64
and truthful statement of the proposed law. 65

A petitioner who is aggrieved by the attorney general's 66
determination may challenge the determination in the supreme 67
court of Ohio. The supreme court of Ohio shall have 68
exclusive, original jurisdiction in all such challenges. 69

(B) The petition shall contain only one proposed law, 70
so as to enable the electors to vote on each proposal 71
separately. The Ohio ballot board shall determine whether 72
the petition contains only one proposed law. 73

(C) When at any time after the requirements of 74
divisions (A) and (B) of this section have been met, not 75
less than ten days prior to the commencement of any session 76

of the general assembly, there shall have been filed with 77
the secretary of state a petition signed by three per centum 78
of the electors and verified as herein provided, proposing a 79
law, the full text of which shall have been set forth in 80
such petition, the secretary of state shall transmit the 81
same to the general assembly as soon as it convenes. If said 82
proposed law shall be passed by the general assembly, either 83
as petitioned for or in an amended form, it shall be subject 84
to the referendum. If it shall not be passed, or if it shall 85
be passed in an amended form, or if no action shall be taken 86
thereon within four months from the time it is received by 87
the general assembly, it shall be submitted by the secretary 88
of state to the electors for their approval or rejection, if 89
such submission shall be demanded by supplementary petition 90
verified as herein provided and signed by not less than 91
three per centum of the electors in addition to those 92
signing the original petition, which supplementary petition 93
must be signed and filed with the secretary of state within 94
ninety days after the proposed law shall have been rejected 95
by the general assembly or after the expiration of such term 96
of four months, if no action has been taken thereon, or 97
after the law as passed by the general assembly shall have 98
been filed by the governor in the office of the secretary of 99
state. The proposed law shall be submitted at the next 100
regular or general election occurring subsequent to one 101
hundred twenty-five days after the supplementary petition is 102
filed in the form demanded by such supplementary petition, 103
which form shall be either as first petitioned for or with 104
any amendment or amendments which may have been incorporated 105
therein by either branch or by both branches, of the general 106
assembly. If a proposed law so submitted is approved by a 107
majority of the electors voting thereon, it shall be the law 108

and shall go into effect as herein provided in lieu of any 109
amended form of said law which may have been passed by the 110
general assembly, and such amended law passed by the general 111
assembly shall not go into effect until and unless the law 112
proposed by supplementary petition shall have been rejected 113
by the electors. All such initiative petitions, last above 114
described, shall have printed across the top thereof, in 115
case of proposed laws: "Law Proposed by Initiative Petition 116
First to be Submitted to the General Assembly." Ballots 117
shall be so printed as to permit an affirmative or negative 118
vote upon each measure submitted to the electors. Any 119
proposed law or amendment to the constitution submitted to 120
the electors as provided in 1a and 1b, if approved by a 121
majority of the electors voting thereon, shall take effect 122
thirty days after the election at which it was approved and 123
shall be published by the secretary of state. If conflicting 124
proposed laws or conflicting proposed amendments to the 125
constitution shall be approved at the same election by a 126
majority of the total number of votes cast for and against 127
the same, the one receiving the highest number of 128
affirmative votes shall be the law, or in the case of 129
amendments to the constitution shall be the amendment to the 130
constitution. No law proposed by initiative petition and 131
approved by the electors shall be subject to the veto of the 132
governor. 133

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

than is or may be applied to improvements thereon or to 140
personal property. 141

(B) (1) The power of the initiative shall not be used to 142
pass an amendment to this constitution that would grant or 143
create a monopoly or a special interest, privilege, benefit, 144
right, or license of a commercial economic nature to any 145
person, partnership, association, corporation, organization, 146
or other nonpublic entity, or any combination thereof, 147
however organized, that is not available to other similarly 148
situated persons, partnerships, associations, corporations, 149
organizations, or other nonpublic entities at the time the 150
amendment is scheduled to become effective. 151

(2) (a) A constitutional amendment may be proposed that 152
would repeal or suspend division (B) (1) of this section or 153
amend division (B) (1) of this section to include an 154
exception, only if the proposed amendment contains no other 155
provision. 156

(b) A proposed amendment to this constitution that, but 157
for the repeal, suspension, or amendment described in 158
division (B) (2) (a) of this section, would violate division 159
(B) (1) of this section may be submitted to the electors only 160
at a regular or general election occurring subsequent to the 161
election at which the electors approved the repeal, 162
suspension, or amendment described in division (B) (2) (a) of 163
this section. 164

(3) An initiative petition filed under Section 1a of 165
this article is not valid if the attorney general determines 166
that it proposes a constitutional amendment that would 167
violate or be inconsistent with division (B) (1) or (2) of 168
this section. A proposed constitutional amendment contained 169

in a petition that violates this division shall not be 170
submitted to the electors. 171

(4) If, at the general election held on November 3, 172
2015, the electors approve a proposed constitutional 173
amendment that violates or is inconsistent with division (B) 174
(1) of this section or if, at any subsequent election, the 175
electors approve such a constitutional amendment that was 176
proposed by an initiative petition certified by the attorney 177
general and the Ohio ballot board prior to the effective 178
date of this amendment, then notwithstanding any 179
severability provision to the contrary, that entire proposed 180
constitutional amendment shall not take effect. The supreme 181
court of Ohio shall have original, exclusive jurisdiction in 182
any action that relates to this division. 183

EFFECTIVE DATE AND REPEAL 184

If adopted by a majority of the electors voting on this 185
proposal, Sections 1a, 1b, and 1e of Article II as amended 186
by this proposal shall take immediate effect and existing 187
Sections 1a, 1b, and 1e of Article II of the Constitution of 188
the State of Ohio shall be repealed from that effective 189
date. 190

SCHEDULE 191

Division (B) (1) of Section 1e of Article II of the 192
Constitution of the State of Ohio, as amended by this 193
proposal, does not apply to any provision of the 194
Constitution of the State of Ohio in effect prior to the 195
effective date of that amendment. 196