

As Introduced

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

S. J. R. No. 1

Senator Faber

**Cosponsors: Senators Widener, Patton, Oelslager, Obhof, Williams, Seitz,
LaRose, Bacon, Beagle, Hottinger**

JOINT RESOLUTION

Proposing to amend Sections 4, 20, and 31 of Article II, 1
Section 19 of Article III, and Section 6 of Article IV 2
and to enact Section 20a of Article II of the 3
Constitution of the State of Ohio to establish the 4
Public Office Compensation Commission. 5

Be it resolved by the General Assembly of the State of 6
Ohio, three-fifths of the members elected to each house 7
concurring herein, that there shall be submitted to the electors 8
of the state, in the manner prescribed by law at the general 9
election to be held on November 3, 2015, a proposal to amend 10
Sections 4, 20, and 31 of Article II, Section 19 of Article III, 11
and Section 6 of Article IV and to enact Section 20a of Article 12
II of the Constitution of the State of Ohio to read as follows: 13

ARTICLE II 14

Section 4. No member of the general assembly shall, during 15
the term of office for which ~~he~~the member was elected, unless 16
during such term ~~he~~the member resigns therefrom, hold any 17
public office under the United States, or this state, or a 18

political subdivision thereof; but this provision does not 19
extend to officers of a political party, notaries public, or 20
officers of the militia or of the United States armed forces. 21

No member of the general assembly shall, during the term 22
of office for which ~~he~~ the member was elected, or for one year 23
thereafter, be appointed to any public office under this state, 24
which office was created ~~or the compensation of which was~~ 25
~~increased,~~ during the term of office for which ~~he~~ the member was 26
elected. 27

Section 20. The General Assembly, in cases not provided 28
for in this constitution, shall fix the term of office of all 29
officers and the compensation of all nonelected officers; but no 30
change therein shall affect the salary of any nonelected officer 31
during ~~his~~ the nonelected officer's existing term of office, 32
unless the office be abolished. 33

Section 20a. (A) The Public Office Compensation Commission 34
is created. The Commission consists of the following nine voting 35
members: two members appointed by the Governor; two members 36
appointed by the President of the Senate; two members appointed 37
by the Speaker of the House of Representatives; one member 38
appointed by the Minority Leader of the Senate; one member 39
appointed by the Minority Leader of the House of 40
Representatives; and one member appointed by the Chief Justice 41
of the Supreme Court. The following are not eligible to be 42
appointed as a member of the Commission: (1) an officer or 43
employee of the state or a political subdivision of the state or 44
a family member, as defined by law, of an officer or employee of 45
the state or a political subdivision of the state; (2) an 46
individual who, within twelve months before appointment, was a 47
candidate for election to a public office in the state; or (3) 48
an individual who engages during at least a portion of the 49

individual's time to actively advocate legislation on behalf of 50
another. 51

Terms of members of the Commission are for two years. 52
Members may not serve more than four consecutive terms. The 53
Commission chairperson shall be selected by majority vote of all 54
members of the Commission. Members are not entitled to 55
compensation, but shall be reimbursed for actual and necessary 56
expenses incurred in the performance of Commission duties. A 57
vacancy among the members of the Commission shall be filled in 58
the manner prescribed for the original appointment. 59

(B) (1) The Public Office Compensation Commission shall 60
meet each even-numbered year to review the current compensation 61
of each elected public office in the state. The Commission shall 62
consider such factors as are provided by law, including the 63
amount of compensation paid to similarly skilled individuals in 64
the private sector, the amount of compensation paid to 65
individuals in comparable elected public offices in other 66
states, and the current financial condition of and within Ohio. 67
After completing its review, the Commission, by vote of at least 68
five of its members, shall prepare a proposed compensation plan 69
that sets forth the compensation of each elected public office 70
in the state. The Commission shall prepare a report of its 71
proposed compensation plan and shall present the proposed 72
compensation plan and report at not less than three public 73
hearings in the state in order to obtain public input regarding 74
the proposed compensation plan. After conducting its public 75
hearings, the Commission, by vote of at least five of its 76
members, shall issue a final compensation plan that sets forth 77
the compensation of each elected public office in the state. The 78
Commission shall prepare a report of its final compensation plan 79
not later than the last day of December in each even-numbered 80

year. 81

If a proposed or final compensation plan increases or 82
decreases the compensation amount of an elected public office by 83
greater than the lesser of the following, the Commission shall 84
include, in its accompanying report, specific factors that 85
support the increase or decrease: 86

(a) Three per cent; or 87

(b) The percentage increase, if any, in the consumer price 88
index, or a generally available comparable index, over the 89
twelve-month period that ends on the thirtieth day of September 90
of the immediately preceding year, rounded to the nearest one- 91
tenth of one per cent. 92

(2) The compensation amounts set forth in the final 93
compensation plan for each elected public office in the state 94
take effect on the first day of July of the following odd- 95
numbered year unless, before that day, the General Assembly, by 96
a three-fifths vote of the members elected to each house, adopts 97
a concurrent resolution rejecting one or more of the 98
compensation amounts. 99

If the General Assembly rejects a final compensation plan 100
or portion thereof, a member of the General Assembly who, at the 101
time the plan was voted on, voted or would have been entitled to 102
vote thereon, is not entitled to an increase in compensation for 103
the duration of the member's term of office. 104

(C) This section does not affect the compensation of a 105
county officer elected under a county charter that has been 106
adopted under Article X, Sections 3 and 4 of this constitution, 107
or the compensation of an officer of a municipal corporation 108
elected under the power of local self-government as exercised by 109

a municipal corporation under Article XVIII, Sections 3 and 7 of 110
this constitution. 111

Section 31. The ~~members and officers of~~ the General 112
Assembly shall receive a fixed compensation, ~~to be prescribed by~~ 113
~~law, and no other allowance or perquisites, either in the~~ 114
~~payment of postage or otherwise; and no change in their~~ 115
~~compensation shall take effect during their term of office.~~as 116
provided for in Article II, Section 20a of this constitution. 117

ARTICLE III 118

Section 19. The officers mentioned in this article shall, 119
at stated times, receive, for their services, ~~a compensation to~~ 120
~~be established by law, which shall neither be increased nor~~ 121
~~diminished during the period for which they shall have been~~ 122
~~elected~~ as provided for in Article II, Section 20a of this 123
constitution. 124

ARTICLE IV 125

Section 6. (A) (1) The chief justice and the justices of 126
the supreme court shall be elected by the electors of the state 127
at large, for terms of not less than six years. 128

(2) The judges of the courts of appeals shall be elected 129
by the electors of their respective appellate districts, for 130
terms of not less than six years. 131

(3) The judges of the courts of common pleas and the 132
divisions thereof shall be elected by the electors of the 133
counties, districts, or, as may be provided by law, other 134
subdivisions, in which their respective courts are located, for 135
terms of not less than six years, and each judge of a court of 136
common pleas or division thereof shall reside during ~~his~~the 137

judge's term of office in the county, district, or subdivision 138
in which ~~his~~ the judge's court is located. 139

(4) Terms of office of all judges shall begin on the days 140
fixed by law, and laws shall be enacted to prescribe the times 141
and mode of their election. 142

(B) The judges of the supreme court, courts of appeals, 143
courts of common pleas, and divisions thereof, and of all courts 144
of record established by law, shall, at stated times, receive, 145
for their services such compensation as ~~may be provided by law,~~ 146
~~which shall not be diminished during their term of office~~for in 147
Article II, Section 20a of this constitution. The compensation 148
of all judges of the supreme court, except that of the chief 149
justice, shall be the same. The compensation of all judges of 150
the courts of appeals shall be the same. Common pleas judges and 151
judges of divisions thereof, and judges of all courts of record 152
established by law shall receive such compensation as ~~may be~~ 153
~~provided by law~~for in Article II, Section 20a of this 154
constitution. Judges shall receive no fees or perquisites, nor 155
hold any other office of profit or trust, under the authority of 156
this state, or of the United States. All votes for any judge, 157
for any elective office, except a judicial office, under the 158
authority of this state, given by the general assembly, or the 159
people shall be void. 160

(C) No person shall be elected or appointed to any 161
judicial office if on or before the day when ~~he~~ the person shall 162
assume the office and enter upon the discharge of its duties ~~he~~ 163
the person shall have attained the age of seventy years. Any 164
voluntarily retired judge, or any judge who is retired under 165
this section, may be assigned with ~~his~~ the judge's consent, by 166
the chief justice or acting chief justice of the supreme court 167
to active duty as a judge and while so serving shall receive the 168

established compensation for such office, computed upon a per 169
diem basis, in addition to any retirement benefits to which ~~he~~ 170
the judge may be entitled. Laws may be passed providing 171
retirement benefits for judges. 172

SCHEDULE I 173

The Public Office Compensation Commission shall meet in 174
2015 to review the current compensation of each elected public 175
office in the state. The Commission shall issue a proposed 176
compensation plan and final compensation plan, and the 177
accompanying reports, not later than December 31, 2015, in 178
accordance with the process in Article II, Section 20a of the 179
Constitution. 180

The compensation amounts set forth in the final 181
compensation plan for each elected public office in the state 182
shall take effect on July 1, 2016, unless, before that day, the 183
General Assembly, by a three-fifths vote of the members elected 184
to each house, adopts a concurrent resolution rejecting one or 185
more of the compensation amounts. 186

If the General Assembly rejects a final compensation plan 187
or portion thereof, a member of the General Assembly who, at the 188
time the plan was voted on, voted or would have been entitled to 189
vote thereon, is not entitled to an increase in compensation for 190
the duration of the member's term of office. 191

SCHEDULE II 192

The term of an initial appointment to the Commission 193
begins upon appointment and ends December 31, 2017. 194

If, by November 13, 2015, one or more appointments have 195
not been made to the Commission, a majority of the members of 196
the Commission who have been appointed by that date shall 197

appoint, not later than November 15, 2015, a sufficient number 198
of individuals to the Commission so that the Commission consists 199
of nine voting members, and shall notify the Governor, President 200
of the Senate, Speaker of the House of Representatives, Minority 201
Leader of the Senate, Minority Leader of the House of 202
Representatives, and Chief Justice of the Supreme Court of the 203
appointments. 204

SCHEDULE III 205

Some of the proposed amendments to Ohio Constitution, 206
Article II, Sections 4 and 20, and Article IV, Section 6, 207
replace gender specific language with gender neutral language. 208
These amendments are not intended to make substantive changes in 209
the Ohio Constitution. The gender neutral language shall be 210
interpreted as a restatement of, and substituted in a continuing 211
way for, the corresponding gender specific language existing 212
prior to adoption of the proposal. 213

EFFECTIVE DATE AND REPEAL 214

If adopted by a majority of the electors voting on this 215
proposal, Sections 4, 20, and 31 of Article II, Section 19 of 216
Article III, and Section 6 of Article IV of the Constitution of 217
the State of Ohio as amended by this proposal and Section 20a of 218
Article II of the Constitution of the State of Ohio shall take 219
effect immediately and existing Sections 4, 20, and 31 of 220
Article II, Section 19 of Article III, and Section 6 of Article 221
IV of the Constitution of the State of Ohio are repealed 222
effective immediately. 223