

As Introduced

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

S. C. R. No. 20

Senators Obhof, Peterson

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, 2019.	20 21
2. On October 29, 2017, Justice O'Neill publicly announced that he is running for Governor of Ohio.	22 23
3. His announcement as candidate for Governor was covered widely in the news media.	24 25
4. On November 2, 2017, Justice O'Neill submitted a letter to the Clerk of the Supreme Court of Ohio, in which he informed the Court that he intended to become a partisan candidate for the office of Governor, acknowledged that he is presently engaged in a "campaign for governor," and stated that he would recuse himself from any new cases but continue to rule on cases he had already heard that were still pending a decision.	26 27 28 29 30 31 32
5. Justice O'Neill maintains an internet site for his ongoing campaign for Governor, which currently states that, "Bill O'Neill is a Democrat from Chagrin Falls running to be your next Governor."	33 34 35 36
6. On January 9, 2018, Justice O'Neill publicly announced his choice of candidate for Lieutenant Governor, i.e., his "running mate" in his ongoing campaign for Governor.	37 38 39
7. As of the date of introduction of this concurrent resolution, Justice O'Neill describes himself as a candidate for Governor on his Twitter account, which is available at http://twitter.com/billforohio .	40 41 42 43
8. Justice O'Neill has similarly described himself as a candidate in other public forums, including other social media.	44 45
9. Justice O'Neill has announced his positions on a variety of issues such as legalization of recreational marijuana, raising the minimum wage, high speed rail, renewable energy, prisons, school funding, and higher education.	46 47 48 49

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

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

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

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

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

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

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