

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. J. R. No. 6**

**Representative Stewart**

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**A JOINT RESOLUTION**

Proposing to amend Sections 1b, 1e, and 1g of Article II of 1  
the Constitution of the State of Ohio to require a vote of 2  
at least 60% of the electors to approve a constitutional 3  
amendment proposed by initiative petition. 4

Be it resolved by the General Assembly of the State of 5  
Ohio, three-fifths of the members elected to each house 6  
concurring herein, that there shall be submitted to the electors 7  
of the state, in the manner prescribed by law at a special 8  
election to be held on May 2, 2023, a proposal to amend Sections 9  
1b, 1e, and 1g of Article II of the Constitution of the State of 10  
Ohio to read as follows: 11

**ARTICLE II** 12

**Section 1b.** When at any time, not less than ten days prior 13  
to the commencement of any session of the general assembly, 14  
there shall have been filed with the secretary of state a 15  
petition signed by three per centum of the electors and verified 16  
as herein provided, proposing a law, the full text of which 17  
shall have been set forth in such petition, the secretary of 18  
state shall transmit the same to the general assembly as soon as 19  
it convenes. If said proposed law shall be passed by the general 20

assembly, either as petitioned for or in an amended form, it 21  
shall be subject to the referendum. If it shall not be passed, 22  
or if it shall be passed in an amended form, or if no action 23  
shall be taken thereon within four months from the time it is 24  
received by the general assembly, it shall be submitted by the 25  
secretary of state to the electors for their approval or 26  
rejection, if such submission shall be demanded by supplementary 27  
petition verified as herein provided and signed by not less than 28  
three per centum of the electors in addition to those signing 29  
the original petition, which supplementary petition must be 30  
signed and filed with the secretary of state within ninety days 31  
after the proposed law shall have been rejected by the general 32  
assembly or after the expiration of such term of four months, if 33  
no action has been taken thereon, or after the law as passed by 34  
the general assembly shall have been filed by the governor in 35  
the office of the secretary of state. The proposed law shall be 36  
submitted at the next regular or general election occurring 37  
subsequent to one hundred twenty-five days after the 38  
supplementary petition is filed in the form demanded by such 39  
supplementary petition, which form shall be either as first 40  
petitioned for or with any amendment or amendments which may 41  
have been incorporated therein by either branch or by both 42  
branches, of the general assembly. If a proposed law so 43  
submitted is approved by a majority of the electors voting 44  
thereon, it shall be the law and shall go into effect as herein 45  
provided in lieu of any amended form of said law which may have 46  
been passed by the general assembly, and such amended law passed 47  
by the general assembly shall not go into effect until and 48  
unless the law proposed by supplementary petition shall have 49  
been rejected by the electors. All such initiative petitions, 50  
last above described, shall have printed across the top thereof, 51  
in case of proposed laws: "Law Proposed by Initiative Petition 52

First to be Submitted to the General Assembly." Ballots shall be 53  
so printed as to permit an affirmative or negative vote upon 54  
each measure submitted to the electors. ~~Any~~ 55

Any proposed law or amendment to the constitution 56  
submitted to the electors as provided in 1a and 1b, if approved 57  
by a majority of the electors voting thereon, shall take effect 58  
thirty days after the election at which it was approved and 59  
shall be published by the secretary of state. ~~If Any proposed~~ 60  
amendment to the constitution submitted to the electors as 61  
provided in sections 1a and 1b of this article, if approved by 62  
at least sixty per cent of the electors voting thereon, shall 63  
take effect thirty days after the election at which it was 64  
approved and shall be published by the secretary of state. 65

If conflicting proposed laws or conflicting proposed 66  
amendments to the constitution shall be approved at the same 67  
election by ~~a majority of the total~~ the required number of votes 68  
~~cast for and against the same~~, the one receiving the highest 69  
number of affirmative votes shall be the law, or in the case of 70  
amendments to the constitution shall be the amendment to the 71  
constitution. ~~No~~ 72

No law proposed by initiative petition and approved by the 73  
electors shall be subject to the veto of the governor. 74

**Section 1e.** (A) The powers defined herein as the 75  
"initiative" and "referendum" shall not be used to pass a law 76  
authorizing any classification of property for the purpose of 77  
levying different rates of taxation thereon or of authorizing 78  
the levy of any single tax on land or land values or land sites 79  
at a higher rate or by a different rule than is or may be 80  
applied to improvements thereon or to personal property. 81

(B) (1) Restraint of trade or commerce being injurious to 82

this state and its citizens, the power of the initiative shall 83  
not be used to pass an amendment to this constitution that would 84  
grant or create a monopoly, oligopoly, or cartel, specify or 85  
determine a tax rate, or confer a commercial interest, 86  
commercial right, or commercial license to any person, nonpublic 87  
entity, or group of persons or nonpublic entities, or any 88  
combination thereof, however organized, that is not then 89  
available to other similarly situated persons or nonpublic 90  
entities. 91

(2) If a constitutional amendment proposed by initiative 92  
petition is certified to appear on the ballot and, in the 93  
opinion of the Ohio ballot board, the amendment would conflict 94  
with division (B)(1) of this section, the board shall prescribe 95  
two separate questions to appear on the ballot, as follows: 96

(a) The first question shall be as follows: 97

"Shall the petitioner, in violation of division (B)(1) of 98  
Section 1e of Article II of the Ohio Constitution, be authorized 99  
to initiate a constitutional amendment that grants or creates a 100  
monopoly, oligopoly, or cartel, specifies or determines a tax 101  
rate, or confers a commercial interest, commercial right, or 102  
commercial license that is not available to other similarly 103  
situated persons?" 104

(b) The second question shall describe the proposed 105  
constitutional amendment. 106

(c) If both questions are approved or affirmed by a- 107  
~~majority at least sixty per cent~~ of the electors voting on them, 108  
then the constitutional amendment shall take effect. If only one 109  
question is approved or affirmed by a ~~majority at least sixty~~ 110  
per cent of the electors voting on it, then the constitutional 111  
amendment shall not take effect. 112

(3) If, at the general election held on November 3, 2015, 113  
the electors approve a proposed constitutional amendment that 114  
conflicts with division (B)(1) of this section with regard to 115  
the creation of a monopoly, oligopoly, or cartel for the sale, 116  
distribution, or other use of any federal Schedule I controlled 117  
substance, then notwithstanding any severability provision to 118  
the contrary, that entire proposed constitutional amendment 119  
shall not take effect. If, at any subsequent election, the 120  
electors approve a proposed constitutional amendment that was 121  
proposed by an initiative petition, that conflicts with division 122  
(B)(1) of this section, and that was not subject to the 123  
procedure described in division (B)(2) of this section, then 124  
notwithstanding any severability provision to the contrary, that 125  
entire proposed constitutional amendment shall not take effect. 126

(C) The supreme court of Ohio shall have original, 127  
exclusive jurisdiction in any action that relates to this 128  
section. 129

**Section 1g.** Any initiative, supplementary, or referendum 130  
petition may be presented in separate parts but each part shall 131  
contain a full and correct copy of the title, and text of the 132  
law, section or item thereof sought to be referred, or the 133  
proposed law or proposed amendment to the constitution. Each 134  
signer of any initiative, supplementary, or referendum petition 135  
must be an elector of the state and shall place on such petition 136  
after his name the date of signing and his place of residence. A 137  
signer residing outside of a municipality shall state the county 138  
and the rural route number, post office address, or township of 139  
his residence. A resident of a municipality shall state the 140  
street and number, if any, of his residence and the name of the 141  
municipality or post office address. The names of all signers to 142  
such petitions shall be written in ink, each signer for himself. 143

To each part of such petition shall be attached the statement of 144  
the circulator, as may be required by law, that he witnessed the 145  
affixing of every signature. The secretary of state shall 146  
determine the sufficiency of the signatures not later than one 147  
hundred five days before the election. 148

The Ohio supreme court shall have original, exclusive 149  
jurisdiction over all challenges made to petitions and 150  
signatures upon such petitions under this section. Any challenge 151  
to a petition or signature on a petition shall be filed not 152  
later than ninety-five days before the day of the election. The 153  
court shall hear and rule on any challenges made to petitions 154  
and signatures not later than eighty-five days before the 155  
election. If no ruling determining the petition or signatures to 156  
be insufficient is issued at least eighty-five days before the 157  
election, the petition and signatures upon such petitions shall 158  
be presumed to be in all respects sufficient. 159

If the petitions or signatures are determined to be 160  
insufficient, ten additional days shall be allowed for the 161  
filing of additional signatures to such petition. If additional 162  
signatures are filed, the secretary of state shall determine the 163  
sufficiency of those additional signatures not later than sixty- 164  
five days before the election. Any challenge to the additional 165  
signatures shall be filed not later than fifty-five days before 166  
the day of the election. The court shall hear and rule on any 167  
challenges made to the additional signatures not later than 168  
forty-five days before the election. If no ruling determining 169  
the additional signatures to be insufficient is issued at least 170  
forty-five days before the election, the petition and signatures 171  
shall be presumed to be in all respects sufficient. 172

No law or amendment to the constitution submitted to the 173  
electors by initiative and supplementary petition and receiving 174

~~an the required number of affirmative majority of the votes cast~~ 175  
~~thereon~~, shall be held unconstitutional or void on account of 176  
the insufficiency of the petitions by which such submission of 177  
the same was procured; nor shall the rejection of any law 178  
submitted by referendum petition be held invalid for such 179  
insufficiency. Upon all initiative, supplementary, and 180  
referendum petitions provided for in any of the sections of this 181  
article, it shall be necessary to file from each of one-half of 182  
the counties of the state, petitions bearing the signatures of 183  
not less than one-half of the designated percentage of the 184  
electors of such county. A true copy of all laws or proposed 185  
laws or proposed amendments to the constitution, together with 186  
an argument or explanation, or both, for, and also an argument 187  
or explanation, or both, against the same, shall be prepared. 188  
The person or persons who prepare the argument or explanation, 189  
or both, against any law, section, or item, submitted to the 190  
electors by referendum petition, may be named in such petition 191  
and the persons who prepare the argument or explanation, or 192  
both, for any proposed law or proposed amendment to the 193  
constitution may be named in the petition proposing the same. 194  
The person or persons who prepare the argument or explanation, 195  
or both, for the law, section, or item, submitted to the 196  
electors by referendum petition, or against any proposed law 197  
submitted by supplementary petition, shall be named by the 198  
general assembly, if in session, and if not in session then by 199  
the governor. The law, or proposed law, or proposed amendment to 200  
the constitution, together with the arguments and explanations, 201  
not exceeding a total of three hundred words for each, and also 202  
the arguments and explanations, not exceeding a total of three 203  
hundred words against each, shall be published once a week for 204  
three consecutive weeks preceding the election, in at least one 205  
newspaper of general circulation in each county of the state, 206

where a newspaper is published. The secretary of state shall 207  
cause to be placed upon the ballots, the ballot language for any 208  
such law, or proposed law, or proposed amendment to the 209  
constitution, to be submitted. The ballot language shall be 210  
prescribed by the Ohio ballot board in the same manner, and 211  
subject to the same terms and conditions, as apply to issues 212  
submitted by the general assembly pursuant to Section 1 of 213  
Article XVI of this constitution. The ballot language shall be 214  
so prescribed and the secretary of state shall cause the ballots 215  
so to be printed as to permit an affirmative or negative vote 216  
upon each law, section of law, or item in a law appropriating 217  
money, or proposed law, or proposed amendment to the 218  
constitution. The style of all laws submitted by initiative and 219  
supplementary petition shall be: "Be it Enacted by the People of 220  
the State of Ohio," and of all constitutional amendments: "Be it 221  
Resolved by the People of the State of Ohio." The basis upon 222  
which the required number of petitioners in any case shall be 223  
determined shall be the total number of votes cast for the 224  
office of governor at the last preceding election therefor. The 225  
foregoing provisions of this section shall be self-executing, 226  
except as herein otherwise provided. Laws may be passed to 227  
facilitate their operation, but in no way limiting or 228  
restricting either such provisions or the powers herein 229  
reserved. 230

EFFECTIVE DATE 231

If adopted by a majority of the electors voting on this 232  
proposal, Sections 1b, 1e, and 1g of Article II of the 233  
Constitution of the State of Ohio amended by this proposal shall 234  
take effect immediately and the existing versions of Sections 235  
1b, 1e, and 1g of Article II of the Constitution of the State of 236  
Ohio shall be repealed effective immediately. 237