

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. J. R. No. 2

Senators McColley, Gavarone

**Cosponsors: Senators Antani, Brenner, Cirino, Lang, O'Brien, Reineke, Roegner,
Schaffer, Wilkin, Wilson**

A JOINT RESOLUTION

Proposing to amend Sections 1b, 1e, and 1g of Article II and 1
Sections 1 and 3 of Article XVI of the Constitution of the 2
State of Ohio to require a vote of at least 60% of the 3
electors to approve any constitutional amendment. 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 August 8, 2023, a proposal to amend 9
Sections 1b, 1e, and 1g of Article II and Sections 1 and 3 of 10
Article XVI of the Constitution of the State of Ohio to read as 11
follows: 12

ARTICLE II 13

Section 1b. When at any time, not less than ten days prior 14
to the commencement of any session of the general assembly, 15
there shall have been filed with the secretary of state a 16
petition signed by three per centum of the electors and verified 17
as herein provided, proposing a law, the full text of which 18

shall have been set forth in such petition, the secretary of 19
state shall transmit the same to the general assembly as soon as 20
it convenes. If said proposed law shall be passed by the general 21
assembly, either as petitioned for or in an amended form, it 22
shall be subject to the referendum. If it shall not be passed, 23
or if it shall be passed in an amended form, or if no action 24
shall be taken thereon within four months from the time it is 25
received by the general assembly, it shall be submitted by the 26
secretary of state to the electors for their approval or 27
rejection, if such submission shall be demanded by supplementary 28
petition verified as herein provided and signed by not less than 29
three per centum of the electors in addition to those signing 30
the original petition, which supplementary petition must be 31
signed and filed with the secretary of state within ninety days 32
after the proposed law shall have been rejected by the general 33
assembly or after the expiration of such term of four months, if 34
no action has been taken thereon, or after the law as passed by 35
the general assembly shall have been filed by the governor in 36
the office of the secretary of state. The proposed law shall be 37
submitted at the next regular or general election occurring 38
subsequent to one hundred twenty-five days after the 39
supplementary petition is filed in the form demanded by such 40
supplementary petition, which form shall be either as first 41
petitioned for or with any amendment or amendments which may 42
have been incorporated therein by either branch or by both 43
branches, of the general assembly. If a proposed law so 44
submitted is approved by a majority of the electors voting 45
thereon, it shall be the law and shall go into effect as herein 46
provided in lieu of any amended form of said law which may have 47
been passed by the general assembly, and such amended law passed 48
by the general assembly shall not go into effect until and 49
unless the law proposed by supplementary petition shall have 50

been rejected by the electors. All such initiative petitions, 51
last above described, shall have printed across the top thereof, 52
in case of proposed laws: "Law Proposed by Initiative Petition 53
First to be Submitted to the General Assembly." Ballots shall be 54
so printed as to permit an affirmative or negative vote upon 55
each measure submitted to the electors. ~~Any~~ 56

Any proposed law or amendment to the constitution 57
submitted to the electors as provided in 1a and 1b, if approved 58
by a majority of the electors voting thereon, shall take effect 59
thirty days after the election at which it was approved and 60
shall be published by the secretary of state. ~~If Any proposed~~ 61
amendment to the constitution submitted to the electors as 62
provided in sections 1a and 1b of this article, if approved by 63
at least sixty per cent of the electors voting thereon, shall 64
take effect thirty days after the election at which it was 65
approved and shall be published by the secretary of state. 66

If conflicting proposed laws or conflicting proposed 67
amendments to the constitution shall be approved at the same 68
election by a ~~majority of the total~~ the required number of votes 69
~~cast for and against the same~~, the one receiving the highest 70
number of affirmative votes shall be the law, or in the case of 71
amendments to the constitution shall be the amendment to the 72
constitution. ~~No~~ 73

No law proposed by initiative petition and approved by the 74
electors shall be subject to the veto of the governor. 75

Section 1e. (A) The powers defined herein as the 76
"initiative" and "referendum" shall not be used to pass a law 77
authorizing any classification of property for the purpose of 78
levying different rates of taxation thereon or of authorizing 79
the levy of any single tax on land or land values or land sites 80

at a higher rate or by a different rule than is or may be 81
applied to improvements thereon or to personal property. 82

(B) (1) Restraint of trade or commerce being injurious to 83
this state and its citizens, the power of the initiative shall 84
not be used to pass an amendment to this constitution that would 85
grant or create a monopoly, oligopoly, or cartel, specify or 86
determine a tax rate, or confer a commercial interest, 87
commercial right, or commercial license to any person, nonpublic 88
entity, or group of persons or nonpublic entities, or any 89
combination thereof, however organized, that is not then 90
available to other similarly situated persons or nonpublic 91
entities. 92

(2) If a constitutional amendment proposed by initiative 93
petition is certified to appear on the ballot and, in the 94
opinion of the Ohio ballot board, the amendment would conflict 95
with division (B) (1) of this section, the board shall prescribe 96
two separate questions to appear on the ballot, as follows: 97

(a) The first question shall be as follows: 98

"Shall the petitioner, in violation of division (B) (1) of 99
Section 1e of Article II of the Ohio Constitution, be authorized 100
to initiate a constitutional amendment that grants or creates a 101
monopoly, oligopoly, or cartel, specifies or determines a tax 102
rate, or confers a commercial interest, commercial right, or 103
commercial license that is not available to other similarly 104
situated persons?" 105

(b) The second question shall describe the proposed 106
constitutional amendment. 107

(c) If both questions are approved or affirmed by a 108
~~majority~~ at least sixty per cent of the electors voting on them, 109

then the constitutional amendment shall take effect. If only one 110
question is approved or affirmed by ~~a majority at least sixty~~ 111
per cent of the electors voting on it, then the constitutional 112
amendment shall not take effect. 113

(3) If, at the general election held on November 3, 2015, 114
the electors approve a proposed constitutional amendment that 115
conflicts with division (B)(1) of this section with regard to 116
the creation of a monopoly, oligopoly, or cartel for the sale, 117
distribution, or other use of any federal Schedule I controlled 118
substance, then notwithstanding any severability provision to 119
the contrary, that entire proposed constitutional amendment 120
shall not take effect. If, at any subsequent election, the 121
electors approve a proposed constitutional amendment that was 122
proposed by an initiative petition, that conflicts with division 123
(B)(1) of this section, and that was not subject to the 124
procedure described in division (B)(2) of this section, then 125
notwithstanding any severability provision to the contrary, that 126
entire proposed constitutional amendment shall not take effect. 127

(C) The supreme court of Ohio shall have original, 128
exclusive jurisdiction in any action that relates to this 129
section. 130

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

his residence. A resident of a municipality shall state the 141
street and number, if any, of his residence and the name of the 142
municipality or post office address. The names of all signers to 143
such petitions shall be written in ink, each signer for himself. 144
To each part of such petition shall be attached the statement of 145
the circulator, as may be required by law, that he witnessed the 146
affixing of every signature. The secretary of state shall 147
determine the sufficiency of the signatures not later than one 148
hundred five days before the election. 149

The Ohio supreme court shall have original, exclusive 150
jurisdiction over all challenges made to petitions and 151
signatures upon such petitions under this section. Any challenge 152
to a petition or signature on a petition shall be filed not 153
later than ninety-five days before the day of the election. The 154
court shall hear and rule on any challenges made to petitions 155
and signatures not later than eighty-five days before the 156
election. If no ruling determining the petition or signatures to 157
be insufficient is issued at least eighty-five days before the 158
election, the petition and signatures upon such petitions shall 159
be presumed to be in all respects sufficient. 160

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

forty-five days before the election, the petition and signatures shall be presumed to be in all respects sufficient. 172
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No law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving ~~an the required number of affirmative majority of the votes cast thereon~~, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency. Upon all initiative, supplementary, and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state, petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county. A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law, section, or item, submitted to the electors by referendum petition, may be named in such petition and the persons who prepare the argument or explanation, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section, or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by the general assembly, if in session, and if not in session then by the governor. The law, or proposed law, or proposed amendment to the constitution, together with the arguments and explanations, 174
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not exceeding a total of three hundred words for each, and also 203
the arguments and explanations, not exceeding a total of three 204
hundred words against each, shall be published once a week for 205
three consecutive weeks preceding the election, in at least one 206
newspaper of general circulation in each county of the state, 207
where a newspaper is published. The secretary of state shall 208
cause to be placed upon the ballots, the ballot language for any 209
such law, or proposed law, or proposed amendment to the 210
constitution, to be submitted. The ballot language shall be 211
prescribed by the Ohio ballot board in the same manner, and 212
subject to the same terms and conditions, as apply to issues 213
submitted by the general assembly pursuant to Section 1 of 214
Article XVI of this constitution. The ballot language shall be 215
so prescribed and the secretary of state shall cause the ballots 216
so to be printed as to permit an affirmative or negative vote 217
upon each law, section of law, or item in a law appropriating 218
money, or proposed law, or proposed amendment to the 219
constitution. The style of all laws submitted by initiative and 220
supplementary petition shall be: "Be it Enacted by the People of 221
the State of Ohio," and of all constitutional amendments: "Be it 222
Resolved by the People of the State of Ohio." The basis upon 223
which the required number of petitioners in any case shall be 224
determined shall be the total number of votes cast for the 225
office of governor at the last preceding election therefor. The 226
foregoing provisions of this section shall be self-executing, 227
except as herein otherwise provided. Laws may be passed to 228
facilitate their operation, but in no way limiting or 229
restricting either such provisions or the powers herein 230
reserved. 231

ARTICLE XVI 232

Section 1. Either branch of the general assembly may 233

propose amendments to this constitution; and, if the same shall 234
be agreed to by three-fifths of the members elected to each 235
house, such proposed amendments shall be entered on the 236
journals, with the yeas and nays, and shall be filed with the 237
secretary of state at least ninety days before the date of the 238
election at which they are to be submitted to the electors, for 239
their approval or rejection. They shall be submitted on a 240
separate ballot without party designation of any kind, at either 241
a special or a general election as the general assembly may 242
prescribe. 243

The ballot language for such proposed amendments shall be 244
prescribed by a majority of the Ohio ballot board, consisting of 245
the secretary of state and four other members, who shall be 246
designated in a manner prescribed by law and not more than two 247
of whom shall be members of the same political party. The ballot 248
language shall properly identify the substance of the proposal 249
to be voted upon. The ballot need not contain the full text nor 250
a condensed text of the proposal. The board shall also prepare 251
an explanation of the proposal, which may include its purpose 252
and effects, and shall certify the ballot language and the 253
explanation to the secretary of state not later than seventy- 254
five days before the election. The ballot language and the 255
explanation shall be available for public inspection in the 256
office of the secretary of state. 257

The supreme court shall have exclusive, original 258
jurisdiction in all cases challenging the adoption or submission 259
of a proposed constitutional amendment to the electors. No such 260
case challenging the ballot language, the explanation, or the 261
actions or procedures of the general assembly in adopting and 262
submitting a constitutional amendment shall be filed later than 263
sixty-four days before the election. The ballot language shall 264

not be held invalid unless it is such as to mislead, deceive, or defraud the voters. 265
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Unless the general assembly otherwise provides by law for the preparation of arguments for and, if any, against a proposed amendment, the board may prepare such arguments. 267
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Such proposed amendments, the ballot language, the explanations, and the arguments, if any, shall be published once a week for three consecutive weeks preceding such election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published. The general assembly shall provide by law for other dissemination of information in order to inform the electors concerning proposed amendments. An election on a proposed constitutional amendment submitted by the general assembly shall not be enjoined nor invalidated because the explanation, arguments, or other information is faulty in any way. If ~~the majority~~ at least sixty per cent of the electors voting on the same shall adopt such amendments the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately. 270
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Section 3. At the general election to be held in the year one thousand nine hundred and thirty-two and in each twentieth year thereafter, the question: "Shall there be a convention to revise, alter, or amend the constitution", shall be submitted to the electors of the state; and in case a majority of the electors, voting for and against the calling of a convention, shall decide in favor of a convention, the general assembly, at its next session, shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding section; but no amendment of this constitution, agreed upon by any convention assembled in pursuance of this 285
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article, shall take effect, until the same shall have been 296
submitted to the electors of the state, and adopted by a 297
~~majority~~ at least sixty per cent of those voting thereon. 298

EFFECTIVE DATE 299

If adopted by a majority of the electors voting on this 300
proposal, Sections 1b, 1e, and 1g of Article II and Sections 1 301
and 3 of Article XVI of the Constitution of the State of Ohio 302
amended by this proposal shall take effect immediately and the 303
existing versions of Sections 1b, 1e, and 1g of Article II and 304
the existing versions of Sections 1 and 3 of Article XVI of the 305
Constitution of the State of Ohio shall be repealed effective 306
immediately. 307