

As Reported by the Senate General Government Committee

135th General Assembly

Regular Session

2023-2024

Sub. 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 1
and Sections 1 and 3 of Article XVI of the 2
Constitution of the State of Ohio to require a vote of 3
at least 60% of the electors to approve any 4
constitutional amendment and to modify the procedures 5
for an initiative petition proposing a constitutional 6
amendment. 7

Be it resolved by the General Assembly of the State of 8
Ohio, three-fifths of the members elected to each house 9
concurring herein, that there shall be submitted to the electors 10
of the state, in the manner prescribed by law at a special 11
election to be held on August 8, 2023, a proposal to amend 12
Sections 1b, 1e, and 1g of Article II and Sections 1 and 3 of 13
Article XVI of the Constitution of the State of Ohio to read as 14
follows: 15

ARTICLE II 16

Section 1b. When at any time, not less than ten days prior 17
to the commencement of any session of the general assembly, 18

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

been passed by the general assembly, and such amended law passed 51
by the general assembly shall not go into effect until and 52
unless the law proposed by supplementary petition shall have 53
been rejected by the electors. All such initiative petitions, 54
last above described, shall have printed across the top thereof, 55
in case of proposed laws: "Law Proposed by Initiative Petition 56
First to be Submitted to the General Assembly." Ballots shall be 57
so printed as to permit an affirmative or negative vote upon 58
each measure submitted to the electors. ~~Any~~ 59

~~Any proposed law or amendment to the constitution~~ 60
submitted to the electors as provided in 1a and 1b, if approved 61
by a majority of the electors voting thereon, shall take effect 62
thirty days after the election at which it was approved and 63
shall be published by the secretary of state. If Any proposed 64
amendment to the constitution submitted to the electors as 65
provided in sections 1a and 1b of this article, if approved by 66
at least sixty per cent of the electors voting thereon, shall 67
take effect thirty days after the election at which it was 68
approved and shall be published by the secretary of state. 69

If conflicting proposed laws or conflicting proposed 70
amendments to the constitution shall be approved at the same 71
election by ~~a majority of the total~~ the required number of votes 72
~~east for and against the same,~~ the one receiving the highest 73
number of affirmative votes shall be the law, or in the case of 74
amendments to the constitution shall be the amendment to the 75
constitution. ~~No~~ 76

No law proposed by initiative petition and approved by the 77
electors shall be subject to the veto of the governor. 78

Section 1e. (A) The powers defined herein as the 79
"initiative" and "referendum" shall not be used to pass a law 80

authorizing any classification of property for the purpose of 81
levying different rates of taxation thereon or of authorizing 82
the levy of any single tax on land or land values or land sites 83
at a higher rate or by a different rule than is or may be 84
applied to improvements thereon or to personal property. 85

(B) (1) Restraint of trade or commerce being injurious to 86
this state and its citizens, the power of the initiative shall 87
not be used to pass an amendment to this constitution that would 88
grant or create a monopoly, oligopoly, or cartel, specify or 89
determine a tax rate, or confer a commercial interest, 90
commercial right, or commercial license to any person, nonpublic 91
entity, or group of persons or nonpublic entities, or any 92
combination thereof, however organized, that is not then 93
available to other similarly situated persons or nonpublic 94
entities. 95

(2) If a constitutional amendment proposed by initiative 96
petition is certified to appear on the ballot and, in the 97
opinion of the Ohio ballot board, the amendment would conflict 98
with division (B) (1) of this section, the board shall prescribe 99
two separate questions to appear on the ballot, as follows: 100

(a) The first question shall be as follows: 101

"Shall the petitioner, in violation of division (B) (1) of 102
Section 1e of Article II of the Ohio Constitution, be authorized 103
to initiate a constitutional amendment that grants or creates a 104
monopoly, oligopoly, or cartel, specifies or determines a tax 105
rate, or confers a commercial interest, commercial right, or 106
commercial license that is not available to other similarly 107
situated persons?" 108

(b) The second question shall describe the proposed 109
constitutional amendment. 110

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

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

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

Section 1g. (A) Any initiative, supplementary, or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative, supplementary, or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of

residence. A signer residing outside of a municipality shall 142
state the county and the rural route number, post office 143
address, or township of his residence. A resident of a 144
municipality shall state the street and number, if any, of his 145
residence and the name of the municipality or post office 146
address. The names of all signers to such petitions shall be 147
written in ink, each signer for himself. To each part of such 148
petition shall be attached the statement of the circulator, as 149
may be required by law, that he witnessed the affixing of every 150
signature. The secretary of state shall determine the 151
sufficiency of the signatures not later than one hundred five 152
days before the election. 153

(B) The Ohio supreme court shall have original, exclusive 154
jurisdiction over all challenges made to petitions and 155
signatures upon such petitions under this section. Any challenge 156
to a petition or signature on a petition shall be filed not 157
later than ninety-five days before the day of the election. The 158
court shall hear and rule on any challenges made to petitions 159
and signatures not later than eighty-five days before the 160
election. If no ruling determining the petition or signatures to 161
be insufficient is issued at least eighty-five days before the 162
election, the petition and signatures upon such petitions shall 163
be presumed to be in all respects sufficient. 164

(C) ~~If the petitions or signatures are a referendum~~ 165
~~petition or an initiative petition proposing a law is~~ determined 166
to be insufficient, ten additional days shall be allowed for the 167
filing of additional signatures to such petition. No additional 168
signatures may be filed to an initiative petition proposing an 169
amendment to the constitution. If additional signatures are 170
filed, the secretary of state shall determine the sufficiency of 171
those additional signatures not later than sixty-five days 172

before the election. Any challenge to the additional signatures 173
shall be filed not later than fifty-five days before the day of 174
the election. The court shall hear and rule on any challenges 175
made to the additional signatures not later than forty-five days 176
before the election. If no ruling determining the additional 177
signatures to be insufficient is issued at least forty-five days 178
before the election, the petition and signatures shall be 179
presumed to be in all respects sufficient. 180

(D) No law or amendment to the constitution submitted to 181
the electors by initiative and supplementary petition and 182
receiving ~~an~~ the required number of affirmative majority of the 183
~~votes cast thereon~~, shall be held unconstitutional or void on 184
account of the insufficiency of the petitions by which such 185
submission of the same was procured; nor shall the rejection of 186
any law submitted by referendum petition be held invalid for 187
such insufficiency. ~~Upon~~ 188

(E) Upon all initiative, supplementary, and referendum 189
petitions provided for in any of the sections of this article, 190
it shall be necessary to file from each of one-half of the 191
counties of the state, petitions bearing the signatures of not 192
less than one-half of the designated percentage of the electors 193
of such county, except that upon an initiative petition 194
proposing an amendment to the constitution, it shall be 195
necessary to file from each county of the state petitions 196
bearing the signatures of not less than five per cent of the 197
electors of the county. ~~A~~ 198

(F) A true copy of all laws or proposed laws or proposed 199
amendments to the constitution, together with an argument or 200
explanation, or both, for, and also an argument or explanation, 201
or both, against the same, shall be prepared. The person or 202
persons who prepare the argument or explanation, or both, 203

against any law, section, or item, submitted to the electors by 204
referendum petition, may be named in such petition and the 205
persons who prepare the argument or explanation, or both, for 206
any proposed law or proposed amendment to the constitution may 207
be named in the petition proposing the same. The person or 208
persons who prepare the argument or explanation, or both, for 209
the law, section, or item, submitted to the electors by 210
referendum petition, or against any proposed law submitted by 211
supplementary petition, shall be named by the general assembly, 212
if in session, and if not in session then by the governor. The 213
law, or proposed law, or proposed amendment to the constitution, 214
together with the arguments and explanations, not exceeding a 215
total of three hundred words for each, and also the arguments 216
and explanations, not exceeding a total of three hundred words 217
against each, shall be published once a week for three 218
consecutive weeks preceding the election, in at least one 219
newspaper of general circulation in each county of the state, 220
where a newspaper is published. ~~The~~ 221

(G) The secretary of state shall cause to be placed upon 222
the ballots, the ballot language for any such law, or proposed 223
law, or proposed amendment to the constitution, to be submitted. 224
The ballot language shall be prescribed by the Ohio ballot board 225
in the same manner, and subject to the same terms and 226
conditions, as apply to issues submitted by the general assembly 227
pursuant to Section 1 of Article XVI of this constitution. The 228
ballot language shall be so prescribed and the secretary of 229
state shall cause the ballots so to be printed as to permit an 230
affirmative or negative vote upon each law, section of law, or 231
item in a law appropriating money, or proposed law, or proposed 232
amendment to the constitution. ~~The~~ 233

(H) The style of all laws submitted by initiative and 234

supplementary petition shall be: "Be it Enacted by the People of 235
the State of Ohio," and of all constitutional amendments: "Be it 236
Resolved by the People of the State of Ohio." ~~The~~ 237

(I) The basis upon which the required number of 238
petitioners in any case shall be determined shall be the total 239
number of votes cast for the office of governor at the last 240
preceding election therefor. ~~The~~ 241

(J) The foregoing provisions of this section shall be 242
self-executing, except as herein otherwise provided. Laws may be 243
passed to facilitate their operation, but in no way limiting or 244
restricting either such provisions or the powers herein 245
reserved. 246

(K) The requirements of divisions (C) and (E) of this 247
section, as amended by this amendment, apply to initiative 248
petitions proposing constitutional amendments that are filed 249
with the secretary of state on or after January 1, 2024. 250

ARTICLE XVI 251

Section 1. Either branch of the general assembly may 252
propose amendments to this constitution; and, if the same shall 253
be agreed to by three-fifths of the members elected to each 254
house, such proposed amendments shall be entered on the 255
journals, with the yeas and nays, and shall be filed with the 256
secretary of state at least ninety days before the date of the 257
election at which they are to be submitted to the electors, for 258
their approval or rejection. They shall be submitted on a 259
separate ballot without party designation of any kind, at either 260
a special or a general election as the general assembly may 261
prescribe. 262

The ballot language for such proposed amendments shall be 263

prescribed by a majority of the Ohio ballot board, consisting of 264
the secretary of state and four other members, who shall be 265
designated in a manner prescribed by law and not more than two 266
of whom shall be members of the same political party. The ballot 267
language shall properly identify the substance of the proposal 268
to be voted upon. The ballot need not contain the full text nor 269
a condensed text of the proposal. The board shall also prepare 270
an explanation of the proposal, which may include its purpose 271
and effects, and shall certify the ballot language and the 272
explanation to the secretary of state not later than seventy- 273
five days before the election. The ballot language and the 274
explanation shall be available for public inspection in the 275
office of the secretary of state. 276

The supreme court shall have exclusive, original 277
jurisdiction in all cases challenging the adoption or submission 278
of a proposed constitutional amendment to the electors. No such 279
case challenging the ballot language, the explanation, or the 280
actions or procedures of the general assembly in adopting and 281
submitting a constitutional amendment shall be filed later than 282
sixty-four days before the election. The ballot language shall 283
not be held invalid unless it is such as to mislead, deceive, or 284
defraud the voters. 285

Unless the general assembly otherwise provides by law for 286
the preparation of arguments for and, if any, against a proposed 287
amendment, the board may prepare such arguments. 288

Such proposed amendments, the ballot language, the 289
explanations, and the arguments, if any, shall be published once 290
a week for three consecutive weeks preceding such election, in 291
at least one newspaper of general circulation in each county of 292
the state, where a newspaper is published. The general assembly 293
shall provide by law for other dissemination of information in 294

order to inform the electors concerning proposed amendments. An 295
election on a proposed constitutional amendment submitted by the 296
general assembly shall not be enjoined nor invalidated because 297
the explanation, arguments, or other information is faulty in 298
any way. If ~~the majority at least sixty per cent~~ of the electors 299
voting on the same shall adopt such amendments the same shall 300
become a part of the constitution. When more than one amendment 301
shall be submitted at the same time, they shall be so submitted 302
as to enable the electors to vote on each amendment, separately. 303

Section 3. At the general election to be held in the year 304
one thousand nine hundred and thirty-two and in each twentieth 305
year thereafter, the question: "Shall there be a convention to 306
revise, alter, or amend the constitution", shall be submitted to 307
the electors of the state; and in case a majority of the 308
electors, voting for and against the calling of a convention, 309
shall decide in favor of a convention, the general assembly, at 310
its next session, shall provide, by law, for the election of 311
delegates, and the assembling of such convention, as is provided 312
in the preceding section; but no amendment of this constitution, 313
agreed upon by any convention assembled in pursuance of this 314
article, shall take effect, until the same shall have been 315
submitted to the electors of the state, and adopted by ~~a~~ 316
~~majority at least sixty per cent~~ of those voting thereon. 317

EFFECTIVE DATE 318

If adopted by a majority of the electors voting on this 319
proposal, Sections 1b, 1e, and 1g of Article II and Sections 1 320
and 3 of Article XVI of the Constitution of the State of Ohio 321
amended by this proposal shall take effect immediately and the 322
existing versions of Sections 1b, 1e, and 1g of Article II and 323
the existing versions of Sections 1 and 3 of Article XVI of the 324
Constitution of the State of Ohio shall be repealed effective 325

immediately.

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