

As Reported by the House Rules and Reference Committee

135th General Assembly

Regular Session

2023-2024

Am. Sub. S. J. R. No. 2

Senators McColley, Gavarone

Cosponsors: Senators Antani, Brenner, Cirino, Lang, O'Brien, Reineke, Roegner,

Schaffer, Wilkin, Wilson, Hoagland, Huffman, S., Johnson, Reynolds,

Romanchuk

Representatives Plummer, Ferguson, Merrin, Stewart

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 the next 11
general or special election scheduled to occur not earlier than 12
ninety days after this resolution is submitted to the Secretary 13
of State, a proposal to amend Sections 1b, 1e, and 1g of Article 14
II and Sections 1 and 3 of Article XVI of the Constitution of 15
the State of Ohio to read as follows: 16

ARTICLE II 17

Section 1b. When at any time, not less than ten days prior 18
to the commencement of any session of the general assembly, 19
there shall have been filed with the secretary of state a 20
petition signed by three per centum of the electors and verified 21
as herein provided, proposing a law, the full text of which 22
shall have been set forth in such petition, the secretary of 23
state shall transmit the same to the general assembly as soon as 24
it convenes. If said proposed law shall be passed by the general 25
assembly, either as petitioned for or in an amended form, it 26
shall be subject to the referendum. If it shall not be passed, 27
or if it shall be passed in an amended form, or if no action 28
shall be taken thereon within four months from the time it is 29
received by the general assembly, it shall be submitted by the 30
secretary of state to the electors for their approval or 31
rejection, if such submission shall be demanded by supplementary 32
petition verified as herein provided and signed by not less than 33
three per centum of the electors in addition to those signing 34
the original petition, which supplementary petition must be 35
signed and filed with the secretary of state within ninety days 36
after the proposed law shall have been rejected by the general 37
assembly or after the expiration of such term of four months, if 38
no action has been taken thereon, or after the law as passed by 39
the general assembly shall have been filed by the governor in 40
the office of the secretary of state. The proposed law shall be 41
submitted at the next regular or general election occurring 42
subsequent to one hundred twenty-five days after the 43
supplementary petition is filed in the form demanded by such 44
supplementary petition, which form shall be either as first 45
petitioned for or with any amendment or amendments which may 46
have been incorporated therein by either branch or by both 47
branches, of the general assembly. If a proposed law so 48
submitted is approved by a majority of the electors voting 49

thereon, it shall be the law and shall go into effect as herein 50
provided in lieu of any amended form of said law which may have 51
been passed by the general assembly, and such amended law passed 52
by the general assembly shall not go into effect until and 53
unless the law proposed by supplementary petition shall have 54
been rejected by the electors. All such initiative petitions, 55
last above described, shall have printed across the top thereof, 56
in case of proposed laws: "Law Proposed by Initiative Petition 57
First to be Submitted to the General Assembly." Ballots shall be 58
so printed as to permit an affirmative or negative vote upon 59
each measure submitted to the electors. ~~Any~~ 60

~~Any proposed law or amendment to the constitution~~ 61
submitted to the electors as provided in 1a and 1b, if approved 62
by a majority of the electors voting thereon, shall take effect 63
thirty days after the election at which it was approved and 64
shall be published by the secretary of state. ~~If Any proposed~~ 65
amendment to the constitution submitted to the electors as 66
provided in sections 1a and 1b of this article, if approved by 67
at least sixty per cent of the electors voting thereon, shall 68
take effect thirty days after the election at which it was 69
approved and shall be published by the secretary of state. 70

If conflicting proposed laws or conflicting proposed 71
amendments to the constitution shall be approved at the same 72
election by ~~a majority of the total~~ the required number of votes 73
~~cast for and against the same~~, the one receiving the highest 74
number of affirmative votes shall be the law, or in the case of 75
amendments to the constitution shall be the amendment to the 76
constitution. ~~No~~ 77

No law proposed by initiative petition and approved by the 78
electors shall be subject to the veto of the governor. 79

Section 1e. (A) The powers defined herein as the 80
"initiative" and "referendum" shall not be used to pass a law 81
authorizing any classification of property for the purpose of 82
levying different rates of taxation thereon or of authorizing 83
the levy of any single tax on land or land values or land sites 84
at a higher rate or by a different rule than is or may be 85
applied to improvements thereon or to personal property. 86

(B) (1) Restraint of trade or commerce being injurious to 87
this state and its citizens, the power of the initiative shall 88
not be used to pass an amendment to this constitution that would 89
grant or create a monopoly, oligopoly, or cartel, specify or 90
determine a tax rate, or confer a commercial interest, 91
commercial right, or commercial license to any person, nonpublic 92
entity, or group of persons or nonpublic entities, or any 93
combination thereof, however organized, that is not then 94
available to other similarly situated persons or nonpublic 95
entities. 96

(2) If a constitutional amendment proposed by initiative 97
petition is certified to appear on the ballot and, in the 98
opinion of the Ohio ballot board, the amendment would conflict 99
with division (B) (1) of this section, the board shall prescribe 100
two separate questions to appear on the ballot, as follows: 101

(a) The first question shall be as follows: 102

"Shall the petitioner, in violation of division (B) (1) of 103
Section 1e of Article II of the Ohio Constitution, be authorized 104
to initiate a constitutional amendment that grants or creates a 105
monopoly, oligopoly, or cartel, specifies or determines a tax 106
rate, or confers a commercial interest, commercial right, or 107
commercial license that is not available to other similarly 108
situated persons?" 109

(b) The second question shall describe the proposed constitutional amendment. 110
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(c) If both questions are approved or affirmed by ~~a~~ majority at least sixty per cent of the electors voting on them, 112
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then the constitutional amendment shall take effect. If only one 114
question is approved or affirmed by ~~a~~ majority at least sixty 115
per cent of the electors voting on it, then the constitutional 116
amendment shall not take effect. 117

(3) If, at the general election held on November 3, 2015, 118
the electors approve a proposed constitutional amendment that 119
conflicts with division (B)(1) of this section with regard to 120
the creation of a monopoly, oligopoly, or cartel for the sale, 121
distribution, or other use of any federal Schedule I controlled 122
substance, then notwithstanding any severability provision to 123
the contrary, that entire proposed constitutional amendment 124
shall not take effect. If, at any subsequent election, the 125
electors approve a proposed constitutional amendment that was 126
proposed by an initiative petition, that conflicts with division 127
(B)(1) of this section, and that was not subject to the 128
procedure described in division (B)(2) of this section, then 129
notwithstanding any severability provision to the contrary, that 130
entire proposed constitutional amendment shall not take effect. 131

(C) The supreme court of Ohio shall have original, 132
exclusive jurisdiction in any action that relates to this 133
section. 134

Section 1g. (A) Any initiative, supplementary, or 135
referendum petition may be presented in separate parts but each 136
part shall contain a full and correct copy of the title, and 137
text of the law, section or item thereof sought to be referred, 138
or the proposed law or proposed amendment to the constitution. 139

Each signer of any initiative, supplementary, or referendum 140
petition must be an elector of the state and shall place on such 141
petition after his name the date of signing and his place of 142
residence. A signer residing outside of a municipality shall 143
state the county and the rural route number, post office 144
address, or township of his residence. A resident of a 145
municipality shall state the street and number, if any, of his 146
residence and the name of the municipality or post office 147
address. The names of all signers to such petitions shall be 148
written in ink, each signer for himself. To each part of such 149
petition shall be attached the statement of the circulator, as 150
may be required by law, that he witnessed the affixing of every 151
signature. The secretary of state shall determine the 152
sufficiency of the signatures not later than one hundred five 153
days before the election. 154

(B) The Ohio supreme court shall have original, exclusive 155
jurisdiction over all challenges made to petitions and 156
signatures upon such petitions under this section. Any challenge 157
to a petition or signature on a petition shall be filed not 158
later than ninety-five days before the day of the election. The 159
court shall hear and rule on any challenges made to petitions 160
and signatures not later than eighty-five days before the 161
election. If no ruling determining the petition or signatures to 162
be insufficient is issued at least eighty-five days before the 163
election, the petition and signatures upon such petitions shall 164
be presumed to be in all respects sufficient. 165

(C) ~~If the petitions or signatures are a referendum~~ 166
petition or an initiative petition proposing a law is determined 167
to be insufficient, ten additional days shall be allowed for the 168
filing of additional signatures to such petition. No additional 169
signatures may be filed to an initiative petition proposing an 170

amendment to the constitution. If additional signatures are 171
filed, the secretary of state shall determine the sufficiency of 172
those additional signatures not later than sixty-five days 173
before the election. Any challenge to the additional signatures 174
shall be filed not later than fifty-five days before the day of 175
the election. The court shall hear and rule on any challenges 176
made to the additional signatures not later than forty-five days 177
before the election. If no ruling determining the additional 178
signatures to be insufficient is issued at least forty-five days 179
before the election, the petition and signatures shall be 180
presumed to be in all respects sufficient. 181

(D) No law or amendment to the constitution submitted to 182
the electors by initiative and supplementary petition and 183
receiving ~~an the required number of affirmative majority of the~~ 184
~~votes cast thereon~~, shall be held unconstitutional or void on 185
account of the insufficiency of the petitions by which such 186
submission of the same was procured; nor shall the rejection of 187
any law submitted by referendum petition be held invalid for 188
such insufficiency. ~~Upon~~ 189

(E) Upon all initiative, supplementary, and referendum 190
petitions provided for in any of the sections of this article, 191
it shall be necessary to file from each of one-half of the 192
counties of the state, petitions bearing the signatures of not 193
less than one-half of the designated percentage of the electors 194
of such county, except that upon an initiative petition 195
proposing an amendment to the constitution, it shall be 196
necessary to file from each county of the state petitions 197
bearing the signatures of not less than five per cent of the 198
electors of the county. ~~A~~ 199

(F) A true copy of all laws or proposed laws or proposed 200
amendments to the constitution, together with an argument or 201

explanation, or both, for, and also an argument or explanation, 202
or both, against the same, shall be prepared. The person or 203
persons who prepare the argument or explanation, or both, 204
against any law, section, or item, submitted to the electors by 205
referendum petition, may be named in such petition and the 206
persons who prepare the argument or explanation, or both, for 207
any proposed law or proposed amendment to the constitution may 208
be named in the petition proposing the same. The person or 209
persons who prepare the argument or explanation, or both, for 210
the law, section, or item, submitted to the electors by 211
referendum petition, or against any proposed law submitted by 212
supplementary petition, shall be named by the general assembly, 213
if in session, and if not in session then by the governor. The 214
law, or proposed law, or proposed amendment to the constitution, 215
together with the arguments and explanations, not exceeding a 216
total of three hundred words for each, and also the arguments 217
and explanations, not exceeding a total of three hundred words 218
against each, shall be published once a week for three 219
consecutive weeks preceding the election, in at least one 220
newspaper of general circulation in each county of the state, 221
where a newspaper is published. ~~The~~ 222

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

item in a law appropriating money, or proposed law, or proposed amendment to the constitution. ~~The~~ 233
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(H) The style of all laws submitted by initiative and supplementary petition shall be: "Be it Enacted by the People of the State of Ohio," and of all constitutional amendments: "Be it Resolved by the People of the State of Ohio." ~~The~~ 235
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(I) The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor. ~~The~~ 239
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(J) The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved. 243
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(K) The requirements of divisions (C) and (E) of this section, as amended by this amendment, apply to initiative petitions proposing constitutional amendments that are filed with the secretary of state on or after January 1, 2024. 248
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ARTICLE XVI 252

Section 1. Either branch of the general assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be filed with the secretary of state at least ninety days before the date of the election at which they are to be submitted to the electors, for their approval or rejection. They shall be submitted on a separate ballot without party designation of any kind, at either 253
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a special or a general election as the general assembly may 262
prescribe. 263

The ballot language for such proposed amendments shall be 264
prescribed by a majority of the Ohio ballot board, consisting of 265
the secretary of state and four other members, who shall be 266
designated in a manner prescribed by law and not more than two 267
of whom shall be members of the same political party. The ballot 268
language shall properly identify the substance of the proposal 269
to be voted upon. The ballot need not contain the full text nor 270
a condensed text of the proposal. The board shall also prepare 271
an explanation of the proposal, which may include its purpose 272
and effects, and shall certify the ballot language and the 273
explanation to the secretary of state not later than seventy- 274
five days before the election. The ballot language and the 275
explanation shall be available for public inspection in the 276
office of the secretary of state. 277

The supreme court shall have exclusive, original 278
jurisdiction in all cases challenging the adoption or submission 279
of a proposed constitutional amendment to the electors. No such 280
case challenging the ballot language, the explanation, or the 281
actions or procedures of the general assembly in adopting and 282
submitting a constitutional amendment shall be filed later than 283
sixty-four days before the election. The ballot language shall 284
not be held invalid unless it is such as to mislead, deceive, or 285
defraud the voters. 286

Unless the general assembly otherwise provides by law for 287
the preparation of arguments for and, if any, against a proposed 288
amendment, the board may prepare such arguments. 289

Such proposed amendments, the ballot language, the 290
explanations, and the arguments, if any, shall be published once 291

a week for three consecutive weeks preceding such election, in 292
at least one newspaper of general circulation in each county of 293
the state, where a newspaper is published. The general assembly 294
shall provide by law for other dissemination of information in 295
order to inform the electors concerning proposed amendments. An 296
election on a proposed constitutional amendment submitted by the 297
general assembly shall not be enjoined nor invalidated because 298
the explanation, arguments, or other information is faulty in 299
any way. If ~~the majority~~ at least sixty per cent of the electors 300
voting on the same shall adopt such amendments the same shall 301
become a part of the constitution. When more than one amendment 302
shall be submitted at the same time, they shall be so submitted 303
as to enable the electors to vote on each amendment, separately. 304

Section 3. At the general election to be held in the year 305
one thousand nine hundred and thirty-two and in each twentieth 306
year thereafter, the question: "Shall there be a convention to 307
revise, alter, or amend the constitution", shall be submitted to 308
the electors of the state; and in case a majority of the 309
electors, voting for and against the calling of a convention, 310
shall decide in favor of a convention, the general assembly, at 311
its next session, shall provide, by law, for the election of 312
delegates, and the assembling of such convention, as is provided 313
in the preceding section; but no amendment of this constitution, 314
agreed upon by any convention assembled in pursuance of this 315
article, shall take effect, until the same shall have been 316
submitted to the electors of the state, and adopted by a ~~a~~ 317
~~majority~~ at least sixty per cent of those voting thereon. 318

EFFECTIVE DATE 319

If adopted by a majority of the electors voting on this 320
proposal, Sections 1b, 1e, and 1g of Article II and Sections 1 321
and 3 of Article XVI of the Constitution of the State of Ohio 322

amended by this proposal shall take effect immediately and the 323
existing versions of Sections 1b, 1e, and 1g of Article II and 324
the existing versions of Sections 1 and 3 of Article XVI of the 325
Constitution of the State of Ohio shall be repealed effective 326
immediately. 327