

**As Adopted by the House**

**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, Barhorst, Bird,  
Carruthers, Claggett, Click, Creech, Cross, Cutrona, Dean, Demetriou, Dobos,  
Gross, Hall, Hoops, John, Johnson, Kick, King, Klopfenstein, Lear, Manchester,  
Mathews, McClain, Miller, K., Miller, M., Peterson, Pizzulli, Richardson, Santucci,  
Schmidt, Stein, Stoltzfus, Swearingen, Thomas, J., Wiggam, Williams, Willis**

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**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 a special election is hereby called to 10  
be held on August 8, 2023, such election being prescribed 11  
pursuant to the authority provided by Section 1 of Article XVI 12  
of the Constitution of the State of Ohio, and which election 13  
shall be conducted pursuant to all applicable laws, for the 14

purpose of submitting to the electors of the state a proposal to 15  
amend Sections 1b, 1e, and 1g of Article II and Sections 1 and 3 16  
of Article XVI of the Constitution of the State of Ohio to read 17  
as follows: 18

**ARTICLE II** 19

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

subsequent to one hundred twenty-five days after the 45  
supplementary petition is filed in the form demanded by such 46  
supplementary petition, which form shall be either as first 47  
petitioned for or with any amendment or amendments which may 48  
have been incorporated therein by either branch or by both 49  
branches, of the general assembly. If a proposed law so 50  
submitted is approved by a majority of the electors voting 51  
thereon, it shall be the law and shall go into effect as herein 52  
provided in lieu of any amended form of said law which may have 53  
been passed by the general assembly, and such amended law passed 54  
by the general assembly shall not go into effect until and 55  
unless the law proposed by supplementary petition shall have 56  
been rejected by the electors. All such initiative petitions, 57  
last above described, shall have printed across the top thereof, 58  
in case of proposed laws: "Law Proposed by Initiative Petition 59  
First to be Submitted to the General Assembly." Ballots shall be 60  
so printed as to permit an affirmative or negative vote upon 61  
each measure submitted to the electors. ~~Any~~ 62

~~Any proposed law or amendment to the constitution~~ 63  
submitted to the electors as provided in 1a and 1b, if approved 64  
by a majority of the electors voting thereon, shall take effect 65  
thirty days after the election at which it was approved and 66  
shall be published by the secretary of state. If Any proposed 67  
amendment to the constitution submitted to the electors as 68  
provided in sections 1a and 1b of this article, if approved by 69  
at least sixty per cent of the electors voting thereon, shall 70  
take effect thirty days after the election at which it was 71  
approved and shall be published by the secretary of state. 72

If conflicting proposed laws or conflicting proposed 73  
amendments to the constitution shall be approved at the same 74  
election by ~~a majority of the total~~ the required number of votes 75

~~cast for and against the same~~, the one receiving the highest 76  
number of affirmative votes shall be the law, or in the case of 77  
amendments to the constitution shall be the amendment to the 78  
constitution. ~~No~~ 79

No law proposed by initiative petition and approved by the 80  
electors shall be subject to the veto of the governor. 81

**Section 1e.** (A) The powers defined herein as the 82  
"initiative" and "referendum" shall not be used to pass a law 83  
authorizing any classification of property for the purpose of 84  
levying different rates of taxation thereon or of authorizing 85  
the levy of any single tax on land or land values or land sites 86  
at a higher rate or by a different rule than is or may be 87  
applied to improvements thereon or to personal property. 88

(B) (1) Restraint of trade or commerce being injurious to 89  
this state and its citizens, the power of the initiative shall 90  
not be used to pass an amendment to this constitution that would 91  
grant or create a monopoly, oligopoly, or cartel, specify or 92  
determine a tax rate, or confer a commercial interest, 93  
commercial right, or commercial license to any person, nonpublic 94  
entity, or group of persons or nonpublic entities, or any 95  
combination thereof, however organized, that is not then 96  
available to other similarly situated persons or nonpublic 97  
entities. 98

(2) If a constitutional amendment proposed by initiative 99  
petition is certified to appear on the ballot and, in the 100  
opinion of the Ohio ballot board, the amendment would conflict 101  
with division (B) (1) of this section, the board shall prescribe 102  
two separate questions to appear on the ballot, as follows: 103

(a) The first question shall be as follows: 104

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

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

(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 135  
section. 136

**Section 1g.** (A) Any initiative, supplementary, or 137  
referendum petition may be presented in separate parts but each 138  
part shall contain a full and correct copy of the title, and 139  
text of the law, section or item thereof sought to be referred, 140  
or the proposed law or proposed amendment to the constitution. 141  
Each signer of any initiative, supplementary, or referendum 142  
petition must be an elector of the state and shall place on such 143  
petition after his name the date of signing and his place of 144  
residence. A signer residing outside of a municipality shall 145  
state the county and the rural route number, post office 146  
address, or township of his residence. A resident of a 147  
municipality shall state the street and number, if any, of his 148  
residence and the name of the municipality or post office 149  
address. The names of all signers to such petitions shall be 150  
written in ink, each signer for himself. To each part of such 151  
petition shall be attached the statement of the circulator, as 152  
may be required by law, that he witnessed the affixing of every 153  
signature. The secretary of state shall determine the 154  
sufficiency of the signatures not later than one hundred five 155  
days before the election. 156

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

election, the petition and signatures upon such petitions shall 166  
be presumed to be in all respects sufficient. 167

(C) If the petitions or signatures are a referendum 168  
petition or an initiative petition proposing a law is determined 169  
to be insufficient, ten additional days shall be allowed for the 170  
filing of additional signatures to such petition. No additional 171  
signatures may be filed to an initiative petition proposing an 172  
amendment to the constitution. If additional signatures are 173  
filed, the secretary of state shall determine the sufficiency of 174  
those additional signatures not later than sixty-five days 175  
before the election. Any challenge to the additional signatures 176  
shall be filed not later than fifty-five days before the day of 177  
the election. The court shall hear and rule on any challenges 178  
made to the additional signatures not later than forty-five days 179  
before the election. If no ruling determining the additional 180  
signatures to be insufficient is issued at least forty-five days 181  
before the election, the petition and signatures shall be 182  
presumed to be in all respects sufficient. 183

(D) No law or amendment to the constitution submitted to 184  
the electors by initiative and supplementary petition and 185  
receiving ~~an the required number of affirmative majority of the~~ 186  
~~votes cast thereon,~~ shall be held unconstitutional or void on 187  
account of the insufficiency of the petitions by which such 188  
submission of the same was procured; nor shall the rejection of 189  
any law submitted by referendum petition be held invalid for 190  
such insufficiency. ~~Upon~~ 191

(E) Upon all initiative, supplementary, and referendum 192  
petitions provided for in any of the sections of this article, 193  
it shall be necessary to file from each of one-half of the 194  
counties of the state, petitions bearing the signatures of not 195  
less than one-half of the designated percentage of the electors 196

of such county, except that upon an initiative petition 197  
proposing an amendment to the constitution, it shall be 198  
necessary to file from each county of the state petitions 199  
bearing the signatures of not less than five per cent of the 200  
electors of the county. ~~A~~ 201

(F) A true copy of all laws or proposed laws or proposed 202  
amendments to the constitution, together with an argument or 203  
explanation, or both, for, and also an argument or explanation, 204  
or both, against the same, shall be prepared. The person or 205  
persons who prepare the argument or explanation, or both, 206  
against any law, section, or item, submitted to the electors by 207  
referendum petition, may be named in such petition and the 208  
persons who prepare the argument or explanation, or both, for 209  
any proposed law or proposed amendment to the constitution may 210  
be named in the petition proposing the same. The person or 211  
persons who prepare the argument or explanation, or both, for 212  
the law, section, or item, submitted to the electors by 213  
referendum petition, or against any proposed law submitted by 214  
supplementary petition, shall be named by the general assembly, 215  
if in session, and if not in session then by the governor. The 216  
law, or proposed law, or proposed amendment to the constitution, 217  
together with the arguments and explanations, not exceeding a 218  
total of three hundred words for each, and also the arguments 219  
and explanations, not exceeding a total of three hundred words 220  
against each, shall be published once a week for three 221  
consecutive weeks preceding the election, in at least one 222  
newspaper of general circulation in each county of the state, 223  
where a newspaper is published. ~~The~~ 224

(G) The secretary of state shall cause to be placed upon 225  
the ballots, the ballot language for any such law, or proposed 226  
law, or proposed amendment to the constitution, to be submitted. 227



The ballot language shall be prescribed by the Ohio ballot board 228  
in the same manner, and subject to the same terms and 229  
conditions, as apply to issues submitted by the general assembly 230  
pursuant to Section 1 of Article XVI of this constitution. The 231  
ballot language shall be so prescribed and the secretary of 232  
state shall cause the ballots so to be printed as to permit an 233  
affirmative or negative vote upon each law, section of law, or 234  
item in a law appropriating money, or proposed law, or proposed 235  
amendment to the constitution. ~~The~~ 236

(H) The style of all laws submitted by initiative and 237  
supplementary petition shall be: "Be it Enacted by the People of 238  
the State of Ohio," and of all constitutional amendments: "Be it 239  
Resolved by the People of the State of Ohio." ~~The~~ 240

(I) The basis upon which the required number of 241  
petitioners in any case shall be determined shall be the total 242  
number of votes cast for the office of governor at the last 243  
preceding election therefor. ~~The~~ 244

(J) The foregoing provisions of this section shall be 245  
self-executing, except as herein otherwise provided. Laws may be 246  
passed to facilitate their operation, but in no way limiting or 247  
restricting either such provisions or the powers herein 248  
reserved. 249

(K) The requirements of divisions (C) and (E) of this 250  
section, as amended by this amendment, apply to initiative 251  
petitions proposing constitutional amendments that are filed 252  
with the secretary of state on or after January 1, 2024. 253

**ARTICLE XVI** 254

**Section 1.** Either branch of the general assembly may 255  
propose amendments to this constitution; and, if the same shall 256

be agreed to by three-fifths of the members elected to each 257  
house, such proposed amendments shall be entered on the 258  
journals, with the yeas and nays, and shall be filed with the 259  
secretary of state at least ninety days before the date of the 260  
election at which they are to be submitted to the electors, for 261  
their approval or rejection. They shall be submitted on a 262  
separate ballot without party designation of any kind, at either 263  
a special or a general election as the general assembly may 264  
prescribe. 265

The ballot language for such proposed amendments shall be 266  
prescribed by a majority of the Ohio ballot board, consisting of 267  
the secretary of state and four other members, who shall be 268  
designated in a manner prescribed by law and not more than two 269  
of whom shall be members of the same political party. The ballot 270  
language shall properly identify the substance of the proposal 271  
to be voted upon. The ballot need not contain the full text nor 272  
a condensed text of the proposal. The board shall also prepare 273  
an explanation of the proposal, which may include its purpose 274  
and effects, and shall certify the ballot language and the 275  
explanation to the secretary of state not later than seventy- 276  
five days before the election. The ballot language and the 277  
explanation shall be available for public inspection in the 278  
office of the secretary of state. 279

The supreme court shall have exclusive, original 280  
jurisdiction in all cases challenging the adoption or submission 281  
of a proposed constitutional amendment to the electors. No such 282  
case challenging the ballot language, the explanation, or the 283  
actions or procedures of the general assembly in adopting and 284  
submitting a constitutional amendment shall be filed later than 285  
sixty-four days before the election. The ballot language shall 286  
not be held invalid unless it is such as to mislead, deceive, or 287

defraud the voters. 288

Unless the general assembly otherwise provides by law for 289  
the preparation of arguments for and, if any, against a proposed 290  
amendment, the board may prepare such arguments. 291

Such proposed amendments, the ballot language, the 292  
explanations, and the arguments, if any, shall be published once 293  
a week for three consecutive weeks preceding such election, in 294  
at least one newspaper of general circulation in each county of 295  
the state, where a newspaper is published. The general assembly 296  
shall provide by law for other dissemination of information in 297  
order to inform the electors concerning proposed amendments. An 298  
election on a proposed constitutional amendment submitted by the 299  
general assembly shall not be enjoined nor invalidated because 300  
the explanation, arguments, or other information is faulty in 301  
any way. If ~~the majority~~ at least sixty per cent of the electors 302  
voting on the same shall adopt such amendments the same shall 303  
become a part of the constitution. When more than one amendment 304  
shall be submitted at the same time, they shall be so submitted 305  
as to enable the electors to vote on each amendment, separately. 306

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

submitted to the electors of the state, and adopted by a— 319  
~~majority at least sixty per cent~~ of those voting thereon. 320

EFFECTIVE DATE 321

If adopted by a majority of the electors voting on this 322  
proposal, Sections 1b, 1e, and 1g of Article II and Sections 1 323  
and 3 of Article XVI of the Constitution of the State of Ohio 324  
amended by this proposal shall take effect immediately and the 325  
existing versions of Sections 1b, 1e, and 1g of Article II and 326  
the existing versions of Sections 1 and 3 of Article XVI of the 327  
Constitution of the State of Ohio shall be repealed effective 328  
immediately. 329