

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. J. R. No. 19

Representatives LaTourette, Holmes

Cosponsors: Representatives Antani, Lipps, Speaker Smith



A JOINT RESOLUTION

Proposing to amend Sections 1a, 1b, 1e, and 1g of Article 1
II of the Constitution of the State of Ohio to modify 2
the requirements for the initiative petition process. 3

Be it resolved by the General Assembly of the State of 4
Ohio, three-fifths of the members elected to each house 5
concurring herein, that there shall be submitted to the electors 6
of the state, in the manner prescribed by law at the general 7
election to be held on November 5, 2019, a proposal to amend 8
Sections 1a, 1b, 1e, and 1g of Article II of the Constitution of 9
the State of Ohio to read as follows: 10

ARTICLE II 11

Section 1a. The first aforestated power reserved by the 12
people is designated the initiative, and the signatures of ten 13
per centum of the electors shall be required upon a petition to 14
propose an amendment to the constitution. A signature for a 15
petition to propose an amendment to the constitution is valid 16
for one hundred eighty days from the date of signing. When a 17
petition signed by the aforesaid required number of electors, ~~7~~ 18
shall have been filed with the secretary of state not later than 19

the end of the first day of April of the year in which the 20
proposed amendment is to be placed on the ballot, and verified 21
as herein provided, proposing an amendment to the constitution, 22
the full text of which shall have been set forth in such 23
petition, the secretary of state shall submit for the approval 24
or rejection of the electors, the proposed amendment, in the 25
manner hereinafter provided, at the next succeeding regular or 26
general election in any year occurring subsequent to one hundred 27
twenty-five days after the filing of such petition. The 28
initiative petitions, above described, shall have printed across 29
the top thereof: "Amendment to the Constitution Proposed by 30
Initiative Petition to be Submitted Directly to the Electors." 31

Ballots shall be so printed as to permit an affirmative or 32
negative vote upon each measure submitted to the electors. Any 33
proposed amendment to the constitution submitted to the electors 34
as provided in this section, if approved by not less than sixty 35
per cent of the electors voting on the amendment, shall take 36
effect thirty days after the election at which it was approved 37
and shall be published by the secretary of state. If conflicting 38
proposed amendments to the constitution are approved at the same 39
election by not less than sixty per cent of the electors voting 40
on those amendments, the amendment receiving the highest number 41
of affirmative votes shall be the amendment to the constitution. 42

Section 1b. When at any time, not less than ten days prior 43
to the commencement of any session of the general assembly, 44
there shall have been filed with the secretary of state a 45
petition signed by ~~three~~five per centum of the electors and 46
verified as herein provided, proposing a law, the full text of 47
which shall have been set forth in such petition, the secretary 48
of state shall transmit the same to the general assembly as soon 49
as it convenes. If said proposed law shall be passed by the 50

general assembly, either as petitioned for or in an amended 51
form, it shall be subject to the referendum. If it shall not be 52
passed, or if it shall be passed in an amended form, or if no 53
action shall be taken thereon within four months from the time 54
it is received by the general assembly, it shall be submitted by 55
the secretary of state, as originally proposed in the petition, 56
to the electors for their approval or rejection, ~~if such~~ 57
~~submission shall be demanded by supplementary petition verified~~ 58
~~as herein provided and signed by not less than three per centum~~ 59
~~of the electors in addition to those signing the original~~ 60
~~petition, which supplementary petition must be signed and filed~~ 61
~~with the secretary of state within ninety days after the~~ 62
~~proposed law shall have been rejected by the general assembly or~~ 63
~~after the expiration of such term of four months, if no action~~ 64
~~has been taken thereon, or after the law as passed by the~~ 65
~~general assembly shall have been filed by the governor in the~~ 66
~~office of the secretary of state. The proposed law shall be~~ 67
submitted at the next regular or general election occurring 68
subsequent to one hundred twenty-five days after the 69
~~supplementary petition is filed in the form demanded by such~~ 70
~~supplementary petition, which form shall be either as first~~ 71
~~petitioned for or with any amendment or amendments which may~~ 72
~~have been incorporated therein by either branch or by both~~ 73
~~branches, of the general assembly proposed law has been amended~~ 74
or rejected by the general assembly, or after the expiration of 75
four months from the time it was received by the general 76
assembly. A proposed law may be withdrawn by the person or 77
persons who proposed the law before the election in which the 78
proposed law is to be placed on the ballot. If a proposed law so 79
submitted is approved by a majority of the electors voting 80
thereon, it shall be the law and shall go into effect as herein 81
provided in lieu of any amended form of said law which may have 82

been passed by the general assembly, and such amended law passed 83
by the general assembly shall not go into effect until and 84
unless the law proposed by ~~supplementary~~ petition shall have 85
been rejected by the electors. All such initiative petitions, 86
last above described, shall have printed across the top thereof, 87
in case of proposed laws: "Law Proposed by Initiative Petition 88
First to be Submitted to the General Assembly." Ballots shall be 89
so printed as to permit an affirmative or negative vote upon 90
each measure submitted to the electors. Any proposed law ~~or~~ 91
~~amendment to the constitution~~ submitted to the electors as 92
provided in ~~1a and 1b~~ this section, if approved by a majority of 93
the electors voting thereon, shall take effect thirty days after 94
the election at which it was approved and shall be published by 95
the secretary of state. If conflicting proposed laws ~~or~~ 96
~~conflicting proposed amendments to the constitution~~ shall be 97
approved at the same election by a majority of the total number 98
of votes cast for and against the same, the one receiving the 99
highest number of affirmative votes shall be the law, ~~or in the~~ 100
~~case of amendments to the constitution shall be the amendment to~~ 101
~~the constitution~~. No law proposed by initiative petition and 102
approved by the electors shall be subject to the veto of the 103
governor. 104

A law proposed by initiative petition and approved by the 105
electors shall not be amended, repealed, or suspended by the 106
general assembly for one year from the date the law takes 107
effect. Any law passed by the general assembly that amends, 108
repeals, or suspends a law proposed by initiative petition and 109
approved by the electors before one year from the date the law 110
takes effect shall be void and unconstitutional. 111

Section 1e. (A) The powers defined herein as the 112
"initiative" and "referendum" shall not be used to pass a law 113

authorizing any classification of property for the purpose of 114
levying different rates of taxation thereon or of authorizing 115
the levy of any single tax on land or land values or land sites 116
at a higher rate or by a different rule than is or may be 117
applied to improvements thereon or to personal property. 118

(B) (1) Restraint of trade or commerce being injurious to 119
this state and its citizens, the power of the initiative shall 120
not be used to pass an amendment to this constitution that would 121
grant or create a monopoly, oligopoly, or cartel, specify or 122
determine a tax rate, or confer a commercial interest, 123
commercial right, or commercial license to any person, nonpublic 124
entity, or group of persons or nonpublic entities, or any 125
combination thereof, however organized, that is not then 126
available to other similarly situated persons or nonpublic 127
entities. 128

(2) If a constitutional amendment proposed by initiative 129
petition is certified to appear on the ballot and, in the 130
opinion of the Ohio ballot board, the amendment would conflict 131
with division (B) (1) of this section, the board shall prescribe 132
two separate questions to appear on the ballot, as follows: 133

(a) The first question shall be as follows: 134

"Shall the petitioner, in violation of division (B) (1) of 135
Section 1e of Article II of the Ohio Constitution, be authorized 136
to initiate a constitutional amendment that grants or creates a 137
monopoly, oligopoly, or cartel, specifies or determines a tax 138
rate, or confers a commercial interest, commercial right, or 139
commercial license that is not available to other similarly 140
situated persons?" 141

(b) The second question shall describe the proposed 142
constitutional amendment. 143

(c) If both questions are approved or affirmed by a ~~majority not less than 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 not less than 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. 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~~ the signer's name the date of signing and ~~his~~ the

signer's place of residence. A signer residing outside of a 175
municipality shall state the county and the rural route number, 176
post office address, or township of ~~his~~ the signer's residence. 177
A resident of a municipality shall state the street and number, 178
if any, of ~~his~~ the signer's residence and the name of the 179
municipality or post office address. The names of all signers to 180
such petitions shall be written in ink, each signer for ~~himself~~ 181
the signer's self. To each part of such petition shall be 182
attached the statement of the circulator, as may be required by 183
law, that ~~he~~ the circulator witnessed the affixing of every 184
signature. The secretary of state shall determine the 185
sufficiency of the signatures not later than one hundred five 186
days before the election. 187

The Ohio supreme court shall have original, exclusive 188
jurisdiction over all challenges made to petitions and 189
signatures upon such petitions under this section. Any challenge 190
to a petition or signature on a petition shall be filed not 191
later than ninety-five days before the day of the election. The 192
court shall hear and rule on any challenges made to petitions 193
and signatures not later than eighty-five days before the 194
election. If no ruling determining the petition or signatures to 195
be insufficient is issued at least eighty-five days before the 196
election, the petition and signatures upon such petitions shall 197
be presumed to be in all respects sufficient. 198

If the petitions or signatures are determined to be 199
insufficient, ten additional days shall be allowed for the 200
filing of additional signatures to such petition. If additional 201
signatures are filed, the secretary of state shall determine the 202
sufficiency of those additional signatures not later than sixty- 203
five days before the election. Any challenge to the additional 204
signatures shall be filed not later than fifty-five days before 205

the day of the election. The court shall hear and rule on any 206
challenges made to the additional signatures not later than 207
forty-five days before the election. If no ruling determining 208
the additional signatures to be insufficient is issued at least 209
forty-five days before the election, the petition and signatures 210
shall be presumed to be in all respects sufficient. 211

No law or amendment to the constitution submitted to the 212
electors by initiative ~~and supplementary~~ petition and receiving 213
~~an~~ the required number of affirmative majority of the votes cast 214
thereon, shall be held unconstitutional or void on account of 215
the insufficiency of the petitions by which such submission of 216
the same was procured; nor shall the rejection of any law 217
submitted by referendum petition be held invalid for such 218
insufficiency. Upon all initiative, ~~supplementary,~~ and 219
referendum petitions provided for in any of the sections of this 220
article, it shall be necessary to file from each of one-half of 221
the counties of the state, petitions bearing the signatures of 222
not less than one-half of the designated percentage of the 223
electors of such county. A true copy of all laws or proposed 224
laws or proposed amendments to the constitution, together with 225
an argument or explanation, or both, for, and also an argument 226
or explanation, or both, against the same, shall be prepared. 227
The person or persons who prepare the argument or explanation, 228
or both, against any law, section, or item, submitted to the 229
electors by referendum petition, may be named in such petition 230
and the persons who prepare the argument or explanation, or 231
both, for any proposed law or proposed amendment to the 232
constitution may be named in the petition proposing the same. 233
The person or persons who prepare the argument or explanation, 234
or both, for the law, section, or item, submitted to the 235
electors by referendum petition, or against any proposed law 236

submitted by ~~supplementary~~ petition, shall be named by the 237
general assembly, if in session, and if not in session then by 238
the governor. The law, or proposed law, or proposed amendment to 239
the constitution, together with the arguments and explanations, 240
not exceeding a total of three hundred words for each, and also 241
the arguments and explanations, not exceeding a total of three 242
hundred words against each, shall be published once a week for 243
three consecutive weeks preceding the election, in at least one 244
newspaper of general circulation in each county of the state, 245
where a newspaper is published. The secretary of state shall 246
cause to be placed upon the ballots, the ballot language for any 247
such law, or proposed law, or proposed amendment to the 248
constitution, to be submitted. The ballot language shall be 249
prescribed by the Ohio ballot board in the same manner, and 250
subject to the same terms and conditions, as apply to issues 251
submitted by the general assembly pursuant to Section 1 of 252
Article XVI of this constitution. The ballot language shall be 253
so prescribed and the secretary of state shall cause the ballots 254
so to be printed as to permit an affirmative or negative vote 255
upon each law, section of law, or item in a law appropriating 256
money, or proposed law, or proposed amendment to the 257
constitution. The style of all laws submitted by initiative ~~and~~ 258
~~supplementary~~ petition shall be: "Be it Enacted by the People of 259
the State of Ohio," and of all constitutional amendments: "Be it 260
Resolved by the People of the State of Ohio." The basis upon 261
which the required number of petitioners in any case shall be 262
determined shall be the total number of votes cast for the 263
office of governor at the last preceding election therefor. The 264
foregoing provisions of this section shall be self-executing, 265
except as herein otherwise provided. Laws may be passed to 266
facilitate their operation, but in no way limiting or 267
restricting either such provisions or the powers herein 268

reserved. 269

EFFECTIVE DATE AND REPEAL 270

If adopted by a majority of the electors voting on this 271
proposal, Sections 1a, 1b, 1e, and 1g of Article II as amended 272
by this proposal shall take immediate effect and existing 273
Sections 1a, 1b, 1e, and 1g of Article II of the Constitution of 274
the State of Ohio shall be repealed from that effective date. 275

SCHEDULE 276

The amendments to Section 1g of Article II of the Ohio 277
Constitution in part substitute gender neutral for gender 278
specific language. These gender neutralizing amendments are not 279
intended to make a substantive change in the Ohio Constitution. 280
The gender neutral language is to be construed as a restatement 281
of, and substituted in a continuing way for, the corresponding 282
gender specific language existing prior to adoption of the 283
gender neutralizing amendments. 284