

As Introduced

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

H. J. R. No. 18

Representative Ramos

A JOINT RESOLUTION

Proposing to amend Section 11 of Article II of the 1
Constitution of the State of Ohio to require a vacancy 2
in the General Assembly to be filled by holding a 3
special election. 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 the general 8
election to be held on November 6, 2018, a proposal to amend 9
Section 11 of Article II of the Constitution of the State of 10
Ohio to read as follows: 11

ARTICLE II 12

Section 11. (A) A vacancy in the Senate or in the 13
House of Representatives for any cause, 14
including the failure of a member-elect to qualify for office, 15
shall be filled by holding a special election ~~by the members of~~ 16
~~the Senate or the members of the House of Representatives, as~~ 17
~~the case may be, who are affiliated with the same political~~ 18
~~party as the person last elected by the electors to the seat~~ 19
~~which has become vacant~~ in accordance with this section. A- 20

~~vacancy occurring before or during the first twenty months of a~~ 21
~~Senatorial term shall be filled temporarily by election as~~ 22
~~provided in this section, for only that portion of the term~~ 23
~~which will expire on the thirty first day of December following~~ 24
~~the next general election occurring in an even numbered year~~ 25
~~after the vacancy occurs, at which election the seat shall be~~ 26
~~filled by the electors as provided by law for the remaining,~~ 27
~~unexpired portion of the term, the member elect so chosen to~~ 28
~~take office on the first day in January next following such~~ 29
~~election. No~~ 30

(B) No person shall be elected to fill a vacancy in the 31
~~Senate senate or House house of Representatives representatives,~~ 32
as the case may be, unless he the person meets the 33
qualifications set forth in this ~~Constitution constitution~~ and 34
the laws of this state for the seat in which the vacancy occurs. 35
~~An election to fill~~ 36

(C) When a vacancy shall be accomplished, notwithstanding 37
~~the provisions of section 27, Article II of this Constitution,~~ 38
~~by the adoption of a resolution, while occurs in the Senate~~ 39
~~senate or the House house of Representatives representatives, as~~ 40
~~the case may be, is in session, with the taking of the yeas and~~ 41
~~nays of the members of the Senate or the House of~~ 42
~~Representatives, as the case may be, affiliated with the same~~ 43
~~political party as the person last elected to the seat in which~~ 44
~~the vacancy occurs. The adoption of such resolution shall~~ 45
~~require the affirmative vote of a majority of the members~~ 46
~~elected to the Senate or the House of Representatives, as the~~ 47
~~case may be, entitled to vote thereon. Such vote shall be spread~~ 48
~~upon the journal of the Senate or the House of Representatives,~~ 49
~~as the case may be, and certified to the Secretary of State by~~ 50
~~the clerk thereof of the senate or the house of representatives,~~ 51

as applicable, shall certify that fact to the governor. The 52
Secretary of State shall, upon receipt of such 53
Upon receiving 54
that certification, the governor shall issue both of the 54
following to the secretary of state: 55

(1) A writ of election directing that a special primary 56
election be held to nominate candidates for election to fill the 57
vacancy for the remainder of the unexpired term. The special 58
primary election shall be held not later than the next day on 59
which a primary, special, or general election may be held. 60

(2) A writ of election directing that a special election 61
be held to fill the vacancy for the remainder of the unexpired 62
term. The special election shall be held not later than the next 63
day on which a primary, special, or general election may be held 64
after the special primary election is held under division (C) (1) 65
of this section. 66

(D) After the elections described in division (C) of this 67
section are held, the secretary of state shall issue a 68
certificate of election to the person so elected and upon 69
presentation of such certificate to the ~~Senate~~ senate or the 70
~~House~~ house of ~~Representatives~~ representatives, as the case may 71
be, the person so elected shall take the oath of office and 72
become a member of the ~~Senate~~ senate or the ~~House~~ house of 73
~~Representatives~~ representatives, as the case may be, for the 74
remainder of the unexpired term for which he ~~the person~~ was so 75
elected. 76

(E) The state shall bear the entire cost of all special 77
primary elections and special elections held under this section. 78

EFFECTIVE DATE AND REPEAL 79

If adopted by a majority of the electors voting on this 80

proposal, Section 11 of Article II of the Constitution of the 81
State of Ohio as amended by this proposal shall take effect 82
immediately and existing Section 11 of Article II of the 83
Constitution of the State of Ohio shall be repealed from that 84
effective date. 85

SCHEDULE 86

The amendments to Section 11 of Article II of the 87
Constitution of the State of Ohio in part substitute gender 88
neutral for gender specific language. These gender neutralizing 89
amendments are not intended to make a substantive change in the 90
Ohio Constitution. The gender neutral language is to be 91
construed as a restatement of, and substituted in a continuing 92
way for, the corresponding gender specific language existing 93
before adoption of the gender neutralizing amendments. 94