

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. J. R. No. 1

Representative Stewart

**Cosponsors: Representatives Kick, Manchester, Plummer, Merrin, Wiggam, Creech,
Santucci, Ferguson, Click, Barhorst, Klopfenstein, Williams, Lipps, Demetriou,
McClain, Dobos, Johnson, Powell, Willis, John, Mathews, Hall, Bird, Lampton,
Jordan, Stein, King, Claggett, Young, T., Miller, M., Lear, Stoltzfus, Dean, Thomas, J.**

A JOINT RESOLUTION

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

Be it resolved by the General Assembly of the State of 7
Ohio, three-fifths of the members elected to each house 8
concurring herein, that there shall be submitted to the electors 9
of the state, in the manner prescribed by law at a special 10
election to be held on May 2, 2023, a proposal to amend Sections 11
1b, 1e, and 1g of Article II and Sections 1 and 3 of Article XVI 12
of the Constitution of the State of Ohio to read as follows: 13

ARTICLE II 14

Section 1b. When at any time, not less than ten days prior 15
to the commencement of any session of the general assembly, 16

there shall have been filed with the secretary of state a 17
petition signed by three per centum of the electors and verified 18
as herein provided, proposing a law, the full text of which 19
shall have been set forth in such petition, the secretary of 20
state shall transmit the same to the general assembly as soon as 21
it convenes. If said proposed law shall be passed by the general 22
assembly, either as petitioned for or in an amended form, it 23
shall be subject to the referendum. If it shall not be passed, 24
or if it shall be passed in an amended form, or if no action 25
shall be taken thereon within four months from the time it is 26
received by the general assembly, it shall be submitted by the 27
secretary of state to the electors for their approval or 28
rejection, if such submission shall be demanded by supplementary 29
petition verified as herein provided and signed by not less than 30
three per centum of the electors in addition to those signing 31
the original petition, which supplementary petition must be 32
signed and filed with the secretary of state within ninety days 33
after the proposed law shall have been rejected by the general 34
assembly or after the expiration of such term of four months, if 35
no action has been taken thereon, or after the law as passed by 36
the general assembly shall have been filed by the governor in 37
the office of the secretary of state. The proposed law shall be 38
submitted at the next regular or general election occurring 39
subsequent to one hundred twenty-five days after the 40
supplementary petition is filed in the form demanded by such 41
supplementary petition, which form shall be either as first 42
petitioned for or with any amendment or amendments which may 43
have been incorporated therein by either branch or by both 44
branches, of the general assembly. If a proposed law so 45
submitted is approved by a majority of the electors voting 46
thereon, it shall be the law and shall go into effect as herein 47
provided in lieu of any amended form of said law which may have 48

been passed by the general assembly, and such amended law passed 49
by the general assembly shall not go into effect until and 50
unless the law proposed by supplementary petition shall have 51
been rejected by the electors. All such initiative petitions, 52
last above described, shall have printed across the top thereof, 53
in case of proposed laws: "Law Proposed by Initiative Petition 54
First to be Submitted to the General Assembly." Ballots shall be 55
so printed as to permit an affirmative or negative vote upon 56
each measure submitted to the electors. ~~Any~~ 57

~~Any proposed law or amendment to the constitution~~ 58
submitted to the electors as provided in 1a and 1b, if approved 59
by a majority of the electors voting thereon, shall take effect 60
thirty days after the election at which it was approved and 61
shall be published by the secretary of state. ~~If Any proposed~~ 62
amendment to the constitution submitted to the electors as 63
provided in sections 1a and 1b of this article, if approved by 64
at least sixty per cent of the electors voting thereon, shall 65
take effect thirty days after the election at which it was 66
approved and shall be published by the secretary of state. 67

If conflicting proposed laws or conflicting proposed 68
amendments to the constitution shall be approved at the same 69
election by ~~a majority of the total~~ the required number of votes 70
~~east for and against the same,~~ the one receiving the highest 71
number of affirmative votes shall be the law, or in the case of 72
amendments to the constitution shall be the amendment to the 73
constitution. ~~No~~ 74

No law proposed by initiative petition and approved by the 75
electors shall be subject to the veto of the governor. 76

Section 1e. (A) The powers defined herein as the 77
"initiative" and "referendum" shall not be used to pass a law 78

authorizing any classification of property for the purpose of 79
levying different rates of taxation thereon or of authorizing 80
the levy of any single tax on land or land values or land sites 81
at a higher rate or by a different rule than is or may be 82
applied to improvements thereon or to personal property. 83

(B) (1) Restraint of trade or commerce being injurious to 84
this state and its citizens, the power of the initiative shall 85
not be used to pass an amendment to this constitution that would 86
grant or create a monopoly, oligopoly, or cartel, specify or 87
determine a tax rate, or confer a commercial interest, 88
commercial right, or commercial license to any person, nonpublic 89
entity, or group of persons or nonpublic entities, or any 90
combination thereof, however organized, that is not then 91
available to other similarly situated persons or nonpublic 92
entities. 93

(2) If a constitutional amendment proposed by initiative 94
petition is certified to appear on the ballot and, in the 95
opinion of the Ohio ballot board, the amendment would conflict 96
with division (B) (1) of this section, the board shall prescribe 97
two separate questions to appear on the ballot, as follows: 98

(a) The first question shall be as follows: 99

"Shall the petitioner, in violation of division (B) (1) of 100
Section 1e of Article II of the Ohio Constitution, be authorized 101
to initiate a constitutional amendment that grants or creates a 102
monopoly, oligopoly, or cartel, specifies or determines a tax 103
rate, or confers a commercial interest, commercial right, or 104
commercial license that is not available to other similarly 105
situated persons?" 106

(b) The second question shall describe the proposed 107
constitutional amendment. 108

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

The Ohio supreme court shall have original, exclusive 151
jurisdiction over all challenges made to petitions and 152
signatures upon such petitions under this section. Any challenge 153
to a petition or signature on a petition shall be filed not 154
later than ninety-five days before the day of the election. The 155
court shall hear and rule on any challenges made to petitions 156
and signatures not later than eighty-five days before the 157
election. If no ruling determining the petition or signatures to 158
be insufficient is issued at least eighty-five days before the 159
election, the petition and signatures upon such petitions shall 160
be presumed to be in all respects sufficient. 161

If ~~the petitions or signatures are~~ a referendum petition 162
or an initiative petition proposing a law is determined to be 163
insufficient, ten additional days shall be allowed for the 164
filing of additional signatures to such petition. No additional 165
signatures may be filed to an initiative petition proposing an 166
amendment to the constitution. If additional signatures are 167
filed, the secretary of state shall determine the sufficiency of 168
those additional signatures not later than sixty-five days 169
before the election. Any challenge to the additional signatures 170

shall be filed not later than fifty-five days before the day of 171
the election. The court shall hear and rule on any challenges 172
made to the additional signatures not later than forty-five days 173
before the election. If no ruling determining the additional 174
signatures to be insufficient is issued at least forty-five days 175
before the election, the petition and signatures shall be 176
presumed to be in all respects sufficient. 177

No law or amendment to the constitution submitted to the 178
electors by initiative and supplementary petition and receiving 179
~~an the required number of affirmative majority of the votes cast~~ 180
~~thereon~~, shall be held unconstitutional or void on account of 181
the insufficiency of the petitions by which such submission of 182
the same was procured; nor shall the rejection of any law 183
submitted by referendum petition be held invalid for such 184
insufficiency. Upon all initiative, supplementary, and 185
referendum petitions provided for in any of the sections of this 186
article, it shall be necessary to file from each of one-half of 187
the counties of the state, petitions bearing the signatures of 188
not less than one-half of the designated percentage of the 189
electors of such county, except that upon an initiative petition 190
proposing an amendment to the constitution, it shall be 191
necessary to file from each county of the state petitions 192
bearing the signatures of not less than five per cent of the 193
electors of the county. A true copy of all laws or proposed laws 194
or proposed amendments to the constitution, together with an 195
argument or explanation, or both, for, and also an argument or 196
explanation, or both, against the same, shall be prepared. The 197
person or persons who prepare the argument or explanation, or 198
both, against any law, section, or item, submitted to the 199
electors by referendum petition, may be named in such petition 200
and the persons who prepare the argument or explanation, or 201

both, for any proposed law or proposed amendment to the 202
constitution may be named in the petition proposing the same. 203
The person or persons who prepare the argument or explanation, 204
or both, for the law, section, or item, submitted to the 205
electors by referendum petition, or against any proposed law 206
submitted by supplementary petition, shall be named by the 207
general assembly, if in session, and if not in session then by 208
the governor. The law, or proposed law, or proposed amendment to 209
the constitution, together with the arguments and explanations, 210
not exceeding a total of three hundred words for each, and also 211
the arguments and explanations, not exceeding a total of three 212
hundred words against each, shall be published once a week for 213
three consecutive weeks preceding the election, in at least one 214
newspaper of general circulation in each county of the state, 215
where a newspaper is published. The secretary of state shall 216
cause to be placed upon the ballots, the ballot language for any 217
such law, or proposed law, or proposed amendment to the 218
constitution, to be submitted. The ballot language shall be 219
prescribed by the Ohio ballot board in the same manner, and 220
subject to the same terms and conditions, as apply to issues 221
submitted by the general assembly pursuant to Section 1 of 222
Article XVI of this constitution. The ballot language shall be 223
so prescribed and the secretary of state shall cause the ballots 224
so to be printed as to permit an affirmative or negative vote 225
upon each law, section of law, or item in a law appropriating 226
money, or proposed law, or proposed amendment to the 227
constitution. The style of all laws submitted by initiative and 228
supplementary petition shall be: "Be it Enacted by the People of 229
the State of Ohio," and of all constitutional amendments: "Be it 230
Resolved by the People of the State of Ohio." The basis upon 231
which the required number of petitioners in any case shall be 232
determined shall be the total number of votes cast for the 233

office of governor at the last preceding election therefor. The 234
foregoing provisions of this section shall be self-executing, 235
except as herein otherwise provided. Laws may be passed to 236
facilitate their operation, but in no way limiting or 237
restricting either such provisions or the powers herein 238
reserved. 239

ARTICLE XVI 240

Section 1. Either branch of the general assembly may 241
propose amendments to this constitution; and, if the same shall 242
be agreed to by three-fifths of the members elected to each 243
house, such proposed amendments shall be entered on the 244
journals, with the yeas and nays, and shall be filed with the 245
secretary of state at least ninety days before the date of the 246
election at which they are to be submitted to the electors, for 247
their approval or rejection. They shall be submitted on a 248
separate ballot without party designation of any kind, at either 249
a special or a general election as the general assembly may 250
prescribe. 251

The ballot language for such proposed amendments shall be 252
prescribed by a majority of the Ohio ballot board, consisting of 253
the secretary of state and four other members, who shall be 254
designated in a manner prescribed by law and not more than two 255
of whom shall be members of the same political party. The ballot 256
language shall properly identify the substance of the proposal 257
to be voted upon. The ballot need not contain the full text nor 258
a condensed text of the proposal. The board shall also prepare 259
an explanation of the proposal, which may include its purpose 260
and effects, and shall certify the ballot language and the 261
explanation to the secretary of state not later than seventy- 262
five days before the election. The ballot language and the 263

explanation shall be available for public inspection in the 264
office of the secretary of state. 265

The supreme court shall have exclusive, original 266
jurisdiction in all cases challenging the adoption or submission 267
of a proposed constitutional amendment to the electors. No such 268
case challenging the ballot language, the explanation, or the 269
actions or procedures of the general assembly in adopting and 270
submitting a constitutional amendment shall be filed later than 271
sixty-four days before the election. The ballot language shall 272
not be held invalid unless it is such as to mislead, deceive, or 273
defraud the voters. 274

Unless the general assembly otherwise provides by law for 275
the preparation of arguments for and, if any, against a proposed 276
amendment, the board may prepare such arguments. 277

Such proposed amendments, the ballot language, the 278
explanations, and the arguments, if any, shall be published once 279
a week for three consecutive weeks preceding such election, in 280
at least one newspaper of general circulation in each county of 281
the state, where a newspaper is published. The general assembly 282
shall provide by law for other dissemination of information in 283
order to inform the electors concerning proposed amendments. An 284
election on a proposed constitutional amendment submitted by the 285
general assembly shall not be enjoined nor invalidated because 286
the explanation, arguments, or other information is faulty in 287
any way. If ~~the majority at least sixty per cent~~ of the electors 288
voting on the same shall adopt such amendments the same shall 289
become a part of the constitution. When more than one amendment 290
shall be submitted at the same time, they shall be so submitted 291
as to enable the electors to vote on each amendment, separately. 292

Section 3. At the general election to be held in the year 293

one thousand nine hundred and thirty-two and in each twentieth 294
year thereafter, the question: "Shall there be a convention to 295
revise, alter, or amend the constitution", shall be submitted to 296
the electors of the state; and in case a majority of the 297
electors, voting for and against the calling of a convention, 298
shall decide in favor of a convention, the general assembly, at 299
its next session, shall provide, by law, for the election of 300
delegates, and the assembling of such convention, as is provided 301
in the preceding section; but no amendment of this constitution, 302
agreed upon by any convention assembled in pursuance of this 303
article, shall take effect, until the same shall have been 304
submitted to the electors of the state, and adopted by a 305
~~majority~~ at least sixty per cent of those voting thereon. 306

EFFECTIVE DATE 307

If adopted by a majority of the electors voting on this 308
proposal, Sections 1b, 1e, and 1g of Article II and Sections 1 309
and 3 of Article XVI of the Constitution of the State of Ohio 310
amended by this proposal shall take effect immediately and the 311
existing versions of Sections 1b, 1e, and 1g of Article II and 312
the existing versions of Sections 1 and 3 of Article XVI of the 313
Constitution of the State of Ohio shall be repealed effective 314
immediately. 315