

**As Reported by the House Constitutional Resolutions Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**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 a special 11  
election to be held on August 8, 2023, a proposal to amend 12  
Sections 1b, 1e, and 1g of Article II and Sections 1 and 3 of 13  
Article XVI of the Constitution of the State of Ohio to read as 14  
follows: 15

**ARTICLE II** 16

**Section 1b.** When at any time, not less than ten days prior 17  
to the commencement of any session of the general assembly, 18  
there shall have been filed with the secretary of state a 19  
petition signed by three per centum of the electors and verified 20  
as herein provided, proposing a law, the full text of which 21  
shall have been set forth in such petition, the secretary of 22  
state shall transmit the same to the general assembly as soon as 23  
it convenes. If said proposed law shall be passed by the general 24  
assembly, either as petitioned for or in an amended form, it 25  
shall be subject to the referendum. If it shall not be passed, 26  
or if it shall be passed in an amended form, or if no action 27  
shall be taken thereon within four months from the time it is 28  
received by the general assembly, it shall be submitted by the 29  
secretary of state to the electors for their approval or 30  
rejection, if such submission shall be demanded by supplementary 31  
petition verified as herein provided and signed by not less than 32  
three per centum of the electors in addition to those signing 33  
the original petition, which supplementary petition must be 34  
signed and filed with the secretary of state within ninety days 35  
after the proposed law shall have been rejected by the general 36  
assembly or after the expiration of such term of four months, if 37  
no action has been taken thereon, or after the law as passed by 38  
the general assembly shall have been filed by the governor in 39  
the office of the secretary of state. The proposed law shall be 40  
submitted at the next regular or general election occurring 41  
subsequent to one hundred twenty-five days after the 42  
supplementary petition is filed in the form demanded by such 43  
supplementary petition, which form shall be either as first 44  
petitioned for or with any amendment or amendments which may 45  
have been incorporated therein by either branch or by both 46  
branches, of the general assembly. If a proposed law so 47  
submitted is approved by a majority of the electors voting 48

thereon, it shall be the law and shall go into effect as herein 49  
provided in lieu of any amended form of said law which may have 50  
been passed by the general assembly, and such amended law passed 51  
by the general assembly shall not go into effect until and 52  
unless the law proposed by supplementary petition shall have 53  
been rejected by the electors. All such initiative petitions, 54  
last above described, shall have printed across the top thereof, 55  
in case of proposed laws: "Law Proposed by Initiative Petition 56  
First to be Submitted to the General Assembly." Ballots shall be 57  
so printed as to permit an affirmative or negative vote upon 58  
each measure submitted to the electors. ~~Any~~ 59

~~Any proposed law or amendment to the constitution~~ 60  
submitted to the electors as provided in 1a and 1b, if approved 61  
by a majority of the electors voting thereon, shall take effect 62  
thirty days after the election at which it was approved and 63  
shall be published by the secretary of state. ~~If Any proposed~~ 64  
amendment to the constitution submitted to the electors as 65  
provided in sections 1a and 1b of this article, if approved by 66  
at least sixty per cent of the electors voting thereon, shall 67  
take effect thirty days after the election at which it was 68  
approved and shall be published by the secretary of state. 69

If conflicting proposed laws or conflicting proposed 70  
amendments to the constitution shall be approved at the same 71  
election by ~~a majority of the total~~ the required number of votes 72  
~~cast for and against the same,~~ the one receiving the highest 73  
number of affirmative votes shall be the law, or in the case of 74  
amendments to the constitution shall be the amendment to the 75  
constitution. ~~No~~ 76

No law proposed by initiative petition and approved by the 77  
electors shall be subject to the veto of the governor. 78

**Section 1e.** (A) The powers defined herein as the 79  
"initiative" and "referendum" shall not be used to pass a law 80  
authorizing any classification of property for the purpose of 81  
levying different rates of taxation thereon or of authorizing 82  
the levy of any single tax on land or land values or land sites 83  
at a higher rate or by a different rule than is or may be 84  
applied to improvements thereon or to personal property. 85

(B) (1) Restraint of trade or commerce being injurious to 86  
this state and its citizens, the power of the initiative shall 87  
not be used to pass an amendment to this constitution that would 88  
grant or create a monopoly, oligopoly, or cartel, specify or 89  
determine a tax rate, or confer a commercial interest, 90  
commercial right, or commercial license to any person, nonpublic 91  
entity, or group of persons or nonpublic entities, or any 92  
combination thereof, however organized, that is not then 93  
available to other similarly situated persons or nonpublic 94  
entities. 95

(2) If a constitutional amendment proposed by initiative 96  
petition is certified to appear on the ballot and, in the 97  
opinion of the Ohio ballot board, the amendment would conflict 98  
with division (B) (1) of this section, the board shall prescribe 99  
two separate questions to appear on the ballot, as follows: 100

(a) The first question shall be as follows: 101

"Shall the petitioner, in violation of division (B) (1) of 102  
Section 1e of Article II of the Ohio Constitution, be authorized 103  
to initiate a constitutional amendment that grants or creates a 104  
monopoly, oligopoly, or cartel, specifies or determines a tax 105  
rate, or confers a commercial interest, commercial right, or 106  
commercial license that is not available to other similarly 107  
situated persons?" 108

(b) The second question shall describe the proposed constitutional amendment. 109  
110

(c) If both questions are approved or affirmed by a ~~majority at least sixty per cent~~ of the electors voting on them, 111  
112 then the constitutional amendment shall take effect. If only one 113  
114 question is approved or affirmed by a ~~majority at least sixty~~ 115  
116 ~~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, 117  
118 the electors approve a proposed constitutional amendment that 119  
120 conflicts with division (B)(1) of this section with regard to 121  
122 the creation of a monopoly, oligopoly, or cartel for the sale, 123  
124 distribution, or other use of any federal Schedule I controlled 125  
126 substance, then notwithstanding any severability provision to 127  
128 the contrary, that entire proposed constitutional amendment 129  
130 shall not take effect. If, at any subsequent election, the 131  
132 electors approve a proposed constitutional amendment that was 133  
134 proposed by an initiative petition, that conflicts with division 135  
136 (B)(1) of this section, and that was not subject to the 137  
138 procedure described in division (B)(2) of this section, then 139  
140 notwithstanding any severability provision to the contrary, that 141  
142 entire proposed constitutional amendment shall not take effect. 143

(C) The supreme court of Ohio shall have original, 131  
132 exclusive jurisdiction in any action that relates to this 133  
134 section.

**Section 1g.** (A) Any initiative, supplementary, or 134  
135 referendum petition may be presented in separate parts but each 136  
137 part shall contain a full and correct copy of the title, and 138  
139 text of the law, section or item thereof sought to be referred, 140  
141 or the proposed law or proposed amendment to the constitution. 142

Each signer of any initiative, supplementary, or referendum 139  
petition must be an elector of the state and shall place on such 140  
petition after his name the date of signing and his place of 141  
residence. A signer residing outside of a municipality shall 142  
state the county and the rural route number, post office 143  
address, or township of his residence. A resident of a 144  
municipality shall state the street and number, if any, of his 145  
residence and the name of the municipality or post office 146  
address. The names of all signers to such petitions shall be 147  
written in ink, each signer for himself. To each part of such 148  
petition shall be attached the statement of the circulator, as 149  
may be required by law, that he witnessed the affixing of every 150  
signature. The secretary of state shall determine the 151  
sufficiency of the signatures not later than one hundred five 152  
days before the election. 153

(B) The Ohio supreme court shall have original, exclusive 154  
jurisdiction over all challenges made to petitions and 155  
signatures upon such petitions under this section. Any challenge 156  
to a petition or signature on a petition shall be filed not 157  
later than ninety-five days before the day of the election. The 158  
court shall hear and rule on any challenges made to petitions 159  
and signatures not later than eighty-five days before the 160  
election. If no ruling determining the petition or signatures to 161  
be insufficient is issued at least eighty-five days before the 162  
election, the petition and signatures upon such petitions shall 163  
be presumed to be in all respects sufficient. 164

(C) ~~If the petitions or signatures are a referendum~~ 165  
petition or an initiative petition proposing a law is determined 166  
to be insufficient, ten additional days shall be allowed for the 167  
filing of additional signatures to such petition. No additional 168  
signatures may be filed to an initiative petition proposing an 169

amendment to the constitution. If additional signatures are 170  
filed, the secretary of state shall determine the sufficiency of 171  
those additional signatures not later than sixty-five days 172  
before the election. Any challenge to the additional signatures 173  
shall be filed not later than fifty-five days before the day of 174  
the election. The court shall hear and rule on any challenges 175  
made to the additional signatures not later than forty-five days 176  
before the election. If no ruling determining the additional 177  
signatures to be insufficient is issued at least forty-five days 178  
before the election, the petition and signatures shall be 179  
presumed to be in all respects sufficient. 180

(D) No law or amendment to the constitution submitted to 181  
the electors by initiative and supplementary petition and 182  
receiving ~~an the required number of affirmative majority of the~~ 183  
~~votes cast thereon,~~ shall be held unconstitutional or void on 184  
account of the insufficiency of the petitions by which such 185  
submission of the same was procured; nor shall the rejection of 186  
any law submitted by referendum petition be held invalid for 187  
such insufficiency. ~~Upon~~ 188

(E) Upon all initiative, supplementary, and referendum 189  
petitions provided for in any of the sections of this article, 190  
it shall be necessary to file from each of one-half of the 191  
counties of the state, petitions bearing the signatures of not 192  
less than one-half of the designated percentage of the electors 193  
of such county, except that upon an initiative petition 194  
proposing an amendment to the constitution, it shall be 195  
necessary to file from each county of the state petitions 196  
bearing the signatures of not less than five per cent of the 197  
electors of the county. ~~A~~ 198

(F) A true copy of all laws or proposed laws or proposed 199  
amendments to the constitution, together with an argument or 200

explanation, or both, for, and also an argument or explanation, 201  
or both, against the same, shall be prepared. The person or 202  
persons who prepare the argument or explanation, or both, 203  
against any law, section, or item, submitted to the electors by 204  
referendum petition, may be named in such petition and the 205  
persons who prepare the argument or explanation, or both, for 206  
any proposed law or proposed amendment to the constitution may 207  
be named in the petition proposing the same. The person or 208  
persons who prepare the argument or explanation, or both, for 209  
the law, section, or item, submitted to the electors by 210  
referendum petition, or against any proposed law submitted by 211  
supplementary petition, shall be named by the general assembly, 212  
if in session, and if not in session then by the governor. The 213  
law, or proposed law, or proposed amendment to the constitution, 214  
together with the arguments and explanations, not exceeding a 215  
total of three hundred words for each, and also the arguments 216  
and explanations, not exceeding a total of three hundred words 217  
against each, shall be published once a week for three 218  
consecutive weeks preceding the election, in at least one 219  
newspaper of general circulation in each county of the state, 220  
where a newspaper is published. ~~The~~ 221

(G) The secretary of state shall cause to be placed upon 222  
the ballots, the ballot language for any such law, or proposed 223  
law, or proposed amendment to the constitution, to be submitted. 224  
The ballot language shall be prescribed by the Ohio ballot board 225  
in the same manner, and subject to the same terms and 226  
conditions, as apply to issues submitted by the general assembly 227  
pursuant to Section 1 of Article XVI of this constitution. The 228  
ballot language shall be so prescribed and the secretary of 229  
state shall cause the ballots so to be printed as to permit an 230  
affirmative or negative vote upon each law, section of law, or 231



item in a law appropriating money, or proposed law, or proposed amendment to the constitution. ~~The~~

(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~~

(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~~

(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.

(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.

**ARTICLE XVI**

**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

a special or a general election as the general assembly may 261  
prescribe. 262

The ballot language for such proposed amendments shall be 263  
prescribed by a majority of the Ohio ballot board, consisting of 264  
the secretary of state and four other members, who shall be 265  
designated in a manner prescribed by law and not more than two 266  
of whom shall be members of the same political party. The ballot 267  
language shall properly identify the substance of the proposal 268  
to be voted upon. The ballot need not contain the full text nor 269  
a condensed text of the proposal. The board shall also prepare 270  
an explanation of the proposal, which may include its purpose 271  
and effects, and shall certify the ballot language and the 272  
explanation to the secretary of state not later than seventy- 273  
five days before the election. The ballot language and the 274  
explanation shall be available for public inspection in the 275  
office of the secretary of state. 276

The supreme court shall have exclusive, original 277  
jurisdiction in all cases challenging the adoption or submission 278  
of a proposed constitutional amendment to the electors. No such 279  
case challenging the ballot language, the explanation, or the 280  
actions or procedures of the general assembly in adopting and 281  
submitting a constitutional amendment shall be filed later than 282  
sixty-four days before the election. The ballot language shall 283  
not be held invalid unless it is such as to mislead, deceive, or 284  
defraud the voters. 285

Unless the general assembly otherwise provides by law for 286  
the preparation of arguments for and, if any, against a proposed 287  
amendment, the board may prepare such arguments. 288

Such proposed amendments, the ballot language, the 289  
explanations, and the arguments, if any, shall be published once 290

a week for three consecutive weeks preceding such election, in 291  
at least one newspaper of general circulation in each county of 292  
the state, where a newspaper is published. The general assembly 293  
shall provide by law for other dissemination of information in 294  
order to inform the electors concerning proposed amendments. An 295  
election on a proposed constitutional amendment submitted by the 296  
general assembly shall not be enjoined nor invalidated because 297  
the explanation, arguments, or other information is faulty in 298  
any way. If ~~the majority~~ at least sixty per cent of the electors 299  
voting on the same shall adopt such amendments the same shall 300  
become a part of the constitution. When more than one amendment 301  
shall be submitted at the same time, they shall be so submitted 302  
as to enable the electors to vote on each amendment, separately. 303

**Section 3.** At the general election to be held in the year 304  
one thousand nine hundred and thirty-two and in each twentieth 305  
year thereafter, the question: "Shall there be a convention to 306  
revise, alter, or amend the constitution", shall be submitted to 307  
the electors of the state; and in case a majority of the 308  
electors, voting for and against the calling of a convention, 309  
shall decide in favor of a convention, the general assembly, at 310  
its next session, shall provide, by law, for the election of 311  
delegates, and the assembling of such convention, as is provided 312  
in the preceding section; but no amendment of this constitution, 313  
agreed upon by any convention assembled in pursuance of this 314  
article, shall take effect, until the same shall have been 315  
submitted to the electors of the state, and adopted by a- 316  
~~majority~~ at least sixty per cent of those voting thereon. 317

EFFECTIVE DATE 318

If adopted by a majority of the electors voting on this 319  
proposal, Sections 1b, 1e, and 1g of Article II and Sections 1 320  
and 3 of Article XVI of the Constitution of the State of Ohio 321

amended by this proposal shall take effect immediately and the 322  
existing versions of Sections 1b, 1e, and 1g of Article II and 323  
the existing versions of Sections 1 and 3 of Article XVI of the 324  
Constitution of the State of Ohio shall be repealed effective 325  
immediately. 326