

As Introduced

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

H. C. R. No. 17

Representative Antani

A CONCURRENT RESOLUTION

Summoning the Honorable William M. O'Neill, Justice of 1
the Supreme Court of Ohio, to appear before the 2
General Assembly and show cause why he should not be 3
removed from office under Article IV, Section 17 of 4
the Ohio Constitution. 5

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF
OHIO (THE SENATE CONCURRING):**

WHEREAS, Article IV, Section 17 of the Ohio Constitution 6
provides that the General Assembly, upon the concurrence of two- 7
thirds of the members elected to each house, may adopt a 8
concurrent resolution removing a judge from office; and 9

WHEREAS, Article IV, Section 17 of the Ohio Constitution 10
also provides that such a concurrent resolution may be adopted 11
only upon complaint, the substance of which having been entered 12
upon the journals of the two houses, and only after the judge 13
has had notice of the complaint and been provided with an 14
opportunity to be heard; and 15

WHEREAS, The House of Representatives and the Senate of the 16
132nd General Assembly complain as follows under Article IV, 17
Section 17 of the Ohio Constitution against the Honorable 18
William M. O'Neill, Justice of the Supreme Court of Ohio: 19

1. Justice O'Neill has declared as a candidate for Governor of Ohio under the Democratic Party. 20
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2. His announcement as candidate for Governor was covered widely in the news media. 22
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3. He lists himself as a candidate on his website and social media pages. 24
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4. He has announced his positions on a variety of issues such as legalization of recreational marijuana, raising the minimum wage, high speed rail, renewable energy, prisons, and higher education; taking these positions have now forced him to recuse himself from all cases. 26
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From these facts, the House of Representatives and the Senate find that Justice O'Neill has violated the Ohio Code of Judicial Conduct, which warrants Justice O'Neill's removal from office under Article IV, Section 17 of the Ohio Constitution. 31
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The General Assembly is entrusted by the people to remove members of the judiciary when they have violated the Code of Judicial Conduct. By becoming a partisan candidate for a non-judicial office, Justice O'Neill has shaken the public's trust, compromised the independence of the judiciary, and betrayed the voters who elected him as a non-partisan jurist. In addition, with Justice O'Neill now having to recuse himself from all cases, it leaves justice unserved at Ohio's highest level. It is because of these extreme circumstances that Justice O'Neill has caused by his candidacy, that the General Assembly must act for the public's interest and remove him from the judiciary. 35
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From these facts, the House of Representatives and the Senate find that Justice O'Neill has violated the Ohio Code of Judicial Conduct, which warrants Justice O'Neill's removal from office under Article IV, Section 17 of the Ohio Constitution; now therefore be it 46
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RESOLVED, That the House of Representatives and the Senate 51
therefore summon Justice O'Neill to appear before the General 52
Assembly and show cause why he should not be removed from office 53
under Article IV, Section 17 of the Ohio Constitution. Within 54
ten days after being served with this resolution, Justice 55
O'Neill shall contact the Speaker of the House of 56
Representatives and the President of the Senate to fix the time 57
and place at which he is so to appear; and it be it further 58

RESOLVED, That in all proceedings under this resolution, 59
Justice O'Neill may have the assistance of counsel; and be it 60
further 61

RESOLVED, That the Clerk of the House of Representatives 62
and the Clerk of the Senate shall spread this resolution in full 63
upon the pages of the House and Senate Journals; and be it 64
further 65

RESOLVED, That the Sergeant-at-Arms of the House of 66
Representatives shall serve a copy of this resolution personally 67
upon Justice O'Neill, wherever he may be found. The Sergeant-at- 68
Arms shall certify in writing the fact of this service to the 69
Clerk of the House of Representatives and to the Clerk of the 70
Senate. The Clerk of the House of Representatives and the Clerk 71
of the Senate shall spread the certificate in full upon the 72
pages of the House and Senate Journals; and be it further 73

RESOLVED, That the Clerk of the House of Representatives 74
shall transmit certified copies of this resolution to the 75
Governor and to the Chief Justice of the Supreme Court of Ohio. 76