

As Reported by the House Constitutional Resolutions Committee

135th General Assembly

Regular Session

2023-2024

Am. 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 August 8, 2023, a proposal to amend 11
Sections 1b, 1e, and 1g of Article II and Sections 1 and 3 of 12
Article XVI of the Constitution of the State of Ohio to read as 13
follows: 14

ARTICLE II 15

Section 1b. When at any time, not less than ten days prior 16

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

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

~~Any~~ proposed law ~~or amendment to the constitution~~ 59
submitted to the electors as provided in 1a and 1b, if approved 60
by a majority of the electors voting thereon, shall take effect 61
thirty days after the election at which it was approved and 62
shall be published by the secretary of state. ~~If~~ Any proposed 63
amendment to the constitution submitted to the electors as 64
provided in sections 1a and 1b of this article, if approved by 65
at least sixty per cent of the electors voting thereon, shall 66
take effect thirty days after the election at which it was 67
approved and shall be published by the secretary of state. 68

If conflicting proposed laws or conflicting proposed 69
amendments to the constitution shall be approved at the same 70
election by ~~a majority of the total~~ the required number of votes 71
~~cast for and against the same~~, the one receiving the highest 72
number of affirmative votes shall be the law, or in the case of 73
amendments to the constitution shall be the amendment to the 74
constitution. ~~No~~ 75

No law proposed by initiative petition and approved by the 76
electors shall be subject to the veto of the governor. 77

Section 1e. (A) The powers defined herein as the 78

"initiative" and "referendum" shall not be used to pass a law 79
authorizing any classification of property for the purpose of 80
levying different rates of taxation thereon or of authorizing 81
the levy of any single tax on land or land values or land sites 82
at a higher rate or by a different rule than is or may be 83
applied to improvements thereon or to personal property. 84

(B) (1) Restraint of trade or commerce being injurious to 85
this state and its citizens, the power of the initiative shall 86
not be used to pass an amendment to this constitution that would 87
grant or create a monopoly, oligopoly, or cartel, specify or 88
determine a tax rate, or confer a commercial interest, 89
commercial right, or commercial license to any person, nonpublic 90
entity, or group of persons or nonpublic entities, or any 91
combination thereof, however organized, that is not then 92
available to other similarly situated persons or nonpublic 93
entities. 94

(2) If a constitutional amendment proposed by initiative 95
petition is certified to appear on the ballot and, in the 96
opinion of the Ohio ballot board, the amendment would conflict 97
with division (B) (1) of this section, the board shall prescribe 98
two separate questions to appear on the ballot, as follows: 99

(a) The first question shall be as follows: 100

"Shall the petitioner, in violation of division (B) (1) of 101
Section 1e of Article II of the Ohio Constitution, be authorized 102
to initiate a constitutional amendment that grants or creates a 103
monopoly, oligopoly, or cartel, specifies or determines a tax 104
rate, or confers a commercial interest, commercial right, or 105
commercial license that is not available to other similarly 106
situated persons?" 107

(b) The second question shall describe the proposed 108

constitutional amendment. 109

(c) If both questions are approved or affirmed by a ~~majority at least sixty per cent~~ of the electors voting on them, 110
then the constitutional amendment shall take effect. If only one 111
question is approved or affirmed by a ~~majority at least sixty~~ 112
per cent of the electors voting on it, then the constitutional 113
amendment shall not take effect. 114
115

(3) If, at the general election held on November 3, 2015, 116
the electors approve a proposed constitutional amendment that 117
conflicts with division (B)(1) of this section with regard to 118
the creation of a monopoly, oligopoly, or cartel for the sale, 119
distribution, or other use of any federal Schedule I controlled 120
substance, then notwithstanding any severability provision to 121
the contrary, that entire proposed constitutional amendment 122
shall not take effect. If, at any subsequent election, the 123
electors approve a proposed constitutional amendment that was 124
proposed by an initiative petition, that conflicts with division 125
(B)(1) of this section, and that was not subject to the 126
procedure described in division (B)(2) of this section, then 127
notwithstanding any severability provision to the contrary, that 128
entire proposed constitutional amendment shall not take effect. 129

(C) The supreme court of Ohio shall have original, 130
exclusive jurisdiction in any action that relates to this 131
section. 132

Section 1g. Any initiative, supplementary, or referendum 133
petition may be presented in separate parts but each part shall 134
contain a full and correct copy of the title, and text of the 135
law, section or item thereof sought to be referred, or the 136
proposed law or proposed amendment to the constitution. Each 137
signer of any initiative, supplementary, or referendum petition 138

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

The Ohio supreme court shall have original, exclusive 152
jurisdiction over all challenges made to petitions and 153
signatures upon such petitions under this section. Any challenge 154
to a petition or signature on a petition shall be filed not 155
later than ninety-five days before the day of the election. The 156
court shall hear and rule on any challenges made to petitions 157
and signatures not later than eighty-five days before the 158
election. If no ruling determining the petition or signatures to 159
be insufficient is issued at least eighty-five days before the 160
election, the petition and signatures upon such petitions shall 161
be presumed to be in all respects sufficient. 162

If the petitions or signatures are a referendum petition 163
or an initiative petition proposing a law is determined to be 164
insufficient, ten additional days shall be allowed for the 165
filing of additional signatures to such petition. No additional 166
signatures may be filed to an initiative petition proposing an 167
amendment to the constitution. If additional signatures are 168
filed, the secretary of state shall determine the sufficiency of 169

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

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

electors by referendum petition, may be named in such petition 201
and the persons who prepare the argument or explanation, or 202
both, for any proposed law or proposed amendment to the 203
constitution may be named in the petition proposing the same. 204
The person or persons who prepare the argument or explanation, 205
or both, for the law, section, or item, submitted to the 206
electors by referendum petition, or against any proposed law 207
submitted by supplementary petition, shall be named by the 208
general assembly, if in session, and if not in session then by 209
the governor. The law, or proposed law, or proposed amendment to 210
the constitution, together with the arguments and explanations, 211
not exceeding a total of three hundred words for each, and also 212
the arguments and explanations, not exceeding a total of three 213
hundred words against each, shall be published once a week for 214
three consecutive weeks preceding the election, in at least one 215
newspaper of general circulation in each county of the state, 216
where a newspaper is published. The secretary of state shall 217
cause to be placed upon the ballots, the ballot language for any 218
such law, or proposed law, or proposed amendment to the 219
constitution, to be submitted. The ballot language shall be 220
prescribed by the Ohio ballot board in the same manner, and 221
subject to the same terms and conditions, as apply to issues 222
submitted by the general assembly pursuant to Section 1 of 223
Article XVI of this constitution. The ballot language shall be 224
so prescribed and the secretary of state shall cause the ballots 225
so to be printed as to permit an affirmative or negative vote 226
upon each law, section of law, or item in a law appropriating 227
money, or proposed law, or proposed amendment to the 228
constitution. The style of all laws submitted by initiative and 229
supplementary petition shall be: "Be it Enacted by the People of 230
the State of Ohio," and of all constitutional amendments: "Be it 231
Resolved by the People of the State of Ohio." The basis upon 232

which the required number of petitioners in any case shall be 233
determined shall be the total number of votes cast for the 234
office of governor at the last preceding election therefor. The 235
foregoing provisions of this section shall be self-executing, 236
except as herein otherwise provided. Laws may be passed to 237
facilitate their operation, but in no way limiting or 238
restricting either such provisions or the powers herein 239
reserved. 240

ARTICLE XVI 241

Section 1. Either branch of the general assembly may 242
propose amendments to this constitution; and, if the same shall 243
be agreed to by three-fifths of the members elected to each 244
house, such proposed amendments shall be entered on the 245
journals, with the yeas and nays, and shall be filed with the 246
secretary of state at least ninety days before the date of the 247
election at which they are to be submitted to the electors, for 248
their approval or rejection. They shall be submitted on a 249
separate ballot without party designation of any kind, at either 250
a special or a general election as the general assembly may 251
prescribe. 252

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

explanation to the secretary of state not later than seventy- 263
five days before the election. The ballot language and the 264
explanation shall be available for public inspection in the 265
office of the secretary of state. 266

The supreme court shall have exclusive, original 267
jurisdiction in all cases challenging the adoption or submission 268
of a proposed constitutional amendment to the electors. No such 269
case challenging the ballot language, the explanation, or the 270
actions or procedures of the general assembly in adopting and 271
submitting a constitutional amendment shall be filed later than 272
sixty-four days before the election. The ballot language shall 273
not be held invalid unless it is such as to mislead, deceive, or 274
defraud the voters. 275

Unless the general assembly otherwise provides by law for 276
the preparation of arguments for and, if any, against a proposed 277
amendment, the board may prepare such arguments. 278

Such proposed amendments, the ballot language, the 279
explanations, and the arguments, if any, shall be published once 280
a week for three consecutive weeks preceding such election, in 281
at least one newspaper of general circulation in each county of 282
the state, where a newspaper is published. The general assembly 283
shall provide by law for other dissemination of information in 284
order to inform the electors concerning proposed amendments. An 285
election on a proposed constitutional amendment submitted by the 286
general assembly shall not be enjoined nor invalidated because 287
the explanation, arguments, or other information is faulty in 288
any way. If ~~the majority~~ at least sixty per cent of the electors 289
voting on the same shall adopt such amendments the same shall 290
become a part of the constitution. When more than one amendment 291
shall be submitted at the same time, they shall be so submitted 292
as to enable the electors to vote on each amendment, separately. 293

Section 3. At the general election to be held in the year 294
one thousand nine hundred and thirty-two and in each twentieth 295
year thereafter, the question: "Shall there be a convention to 296
revise, alter, or amend the constitution", shall be submitted to 297
the electors of the state; and in case a majority of the 298
electors, voting for and against the calling of a convention, 299
shall decide in favor of a convention, the general assembly, at 300
its next session, shall provide, by law, for the election of 301
delegates, and the assembling of such convention, as is provided 302
in the preceding section; but no amendment of this constitution, 303
agreed upon by any convention assembled in pursuance of this 304
article, shall take effect, until the same shall have been 305
submitted to the electors of the state, and adopted by a 306
~~majority~~ at least sixty per cent of those voting thereon. 307

EFFECTIVE DATE 308

If adopted by a majority of the electors voting on this 309
proposal, Sections 1b, 1e, and 1g of Article II and Sections 1 310
and 3 of Article XVI of the Constitution of the State of Ohio 311
amended by this proposal shall take effect immediately and the 312
existing versions of Sections 1b, 1e, and 1g of Article II and 313
the existing versions of Sections 1 and 3 of Article XVI of the 314
Constitution of the State of Ohio shall be repealed effective 315
immediately. 316