

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. J. R. No. 4**

**Representatives Smith, R., Curtin**

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**A JOINT RESOLUTION**

Proposing to amend Sections 1a, 1b, and 1e of Article 1  
II of the Constitution of the State of Ohio to  
prohibit an initiated constitutional amendment  
that would grant a monopoly or a special economic  
interest, privilege, benefit, right, or license to  
any person or entity and to modify the procedure  
to propose a law or a constitutional amendment by  
initiative petition.

Be it resolved by the General Assembly of the State of  
Ohio, three-fifths of the members elected to each house  
concurring herein, that there shall be submitted to the  
electors of the state, in the manner prescribed by law at the  
general election to be held on November 3, 2015, a proposal  
to amend Sections 1a, 1b, and 1e of Article II of the  
Constitution of the State of Ohio to read as follows:

**ARTICLE II**

**Section 1a.** (A) The first aforesated power reserved by  
the people is designated the initiative, ~~and the~~.

(B) Whoever seeks to propose a constitutional amendment

by initiative petition shall submit to the attorney general, 20  
in the manner prescribed by law, an initial petition 21  
containing the proposed constitutional amendment and a 22  
summary of it that contains a fair and truthful statement of 23  
the proposed constitutional amendment. The attorney general 24  
shall examine the summary to ensure that it is a fair and 25  
truthful statement of the proposed constitutional amendment 26  
and that the proposed constitutional amendment would not 27  
violate or be inconsistent with division (B) (1) or (2) of 28  
Section 1e of this article. 29

A petitioner who is aggrieved by the attorney general's 30  
determination may challenge the determination in the supreme 31  
court of Ohio. The supreme court of Ohio shall have 32  
exclusive, original jurisdiction in all such challenges. 33

(C) The petition shall contain only one proposed 34  
constitutional amendment, so as to enable the electors to 35  
vote on each proposal separately. The Ohio ballot board 36  
shall determine whether the petition contains only one 37  
proposed constitutional amendment. 38

(D) After complying with divisions (B) and (C) of this 39  
section, the petitioners shall file with the secretary of 40  
state a petition containing the signatures of ten per centum 41  
of the electors—shall be required upon a petition to propose— 42  
an amendment to the constitution. When a petition signed by 43  
the aforesaid required number of electors, shall have been 44  
filed with the secretary of state, and verified as herein 45  
provided, proposing an amendment to the constitution, the 46  
full text of which shall have been set forth in such 47  
petition, the secretary of state shall submit for the 48  
approval or rejection of the electors, the proposed 49  
amendment, in the manner hereinafter provided, at the next 50

succeeding regular or general election in any year occurring 51  
subsequent to one hundred twenty-five days after the filing 52  
of such petition. The initiative petitions, above described, 53  
shall have printed across the top thereof: "Amendment to the 54  
Constitution Proposed by Initiative Petition to be Submitted 55  
Directly to the Electors." 56

Section 1b. (A) Whoever seeks to propose a law by 57  
initiative petition shall submit to the attorney general, in 58  
the manner prescribed by law, an initial petition containing 59  
the proposed law and a summary of it that contains a fair 60  
and truthful statement of the proposed law. The attorney 61  
general shall examine the summary to ensure that it is a 62  
fair and truthful statement of the proposed law. 63

A petitioner who is aggrieved by the attorney general's 64  
determination may challenge the determination in the supreme 65  
court of Ohio. The supreme court of Ohio shall have 66  
exclusive, original jurisdiction in all such challenges. 67

(B) The petition shall contain only one proposed law, 68  
so as to enable the electors to vote on each proposal 69  
separately. The Ohio ballot board shall determine whether 70  
the petition contains only one proposed law. 71

(C) When at any time after the requirements of 72  
divisions (A) and (B) of this section have been met, not 73  
less than ten days prior to the commencement of any session 74  
of the general assembly, there shall have been filed with 75  
the secretary of state a petition signed by three per centum 76  
of the electors and verified as herein provided, proposing a 77  
law, the full text of which shall have been set forth in 78  
such petition, the secretary of state shall transmit the 79  
same to the general assembly as soon as it convenes. If said 80

proposed law shall be passed by the general assembly, either 81  
as petitioned for or in an amended form, it shall be subject 82  
to the referendum. If it shall not be passed, or if it shall 83  
be passed in an amended form, or if no action shall be taken 84  
thereon within four months from the time it is received by 85  
the general assembly, it shall be submitted by the secretary 86  
of state to the electors for their approval or rejection, if 87  
such submission shall be demanded by supplementary petition 88  
verified as herein provided and signed by not less than 89  
three per centum of the electors in addition to those 90  
signing the original petition, which supplementary petition 91  
must be signed and filed with the secretary of state within 92  
ninety days after the proposed law shall have been rejected 93  
by the general assembly or after the expiration of such term 94  
of four months, if no action has been taken thereon, or 95  
after the law as passed by the general assembly shall have 96  
been filed by the governor in the office of the secretary of 97  
state. The proposed law shall be submitted at the next 98  
regular or general election occurring subsequent to one 99  
hundred twenty-five days after the supplementary petition is 100  
filed in the form demanded by such supplementary petition, 101  
which form shall be either as first petitioned for or with 102  
any amendment or amendments which may have been incorporated 103  
therein by either branch or by both branches, of the general 104  
assembly. If a proposed law so submitted is approved by a 105  
majority of the electors voting thereon, it shall be the law 106  
and shall go into effect as herein provided in lieu of any 107  
amended form of said law which may have been passed by the 108  
general assembly, and such amended law passed by the general 109  
assembly shall not go into effect until and unless the law 110  
proposed by supplementary petition shall have been rejected 111  
by the electors. All such initiative petitions, last above 112

described, shall have printed across the top thereof, in 113  
case of proposed laws: "Law Proposed by Initiative Petition 114  
First to be Submitted to the General Assembly." Ballots 115  
shall be so printed as to permit an affirmative or negative 116  
vote upon each measure submitted to the electors. Any 117  
proposed law or amendment to the constitution submitted to 118  
the electors as provided in 1a and 1b, if approved by a 119  
majority of the electors voting thereon, shall take effect 120  
thirty days after the election at which it was approved and 121  
shall be published by the secretary of state. If conflicting 122  
proposed laws or conflicting proposed amendments to the 123  
constitution shall be approved at the same election by a 124  
majority of the total number of votes cast for and against 125  
the same, the one receiving the highest number of 126  
affirmative votes shall be the law, or in the case of 127  
amendments to the constitution shall be the amendment to the 128  
constitution. No law proposed by initiative petition and 129  
approved by the electors shall be subject to the veto of the 130  
governor. 131

**Section 1e.** (A) The powers defined herein as the 132  
"initiative" and "referendum" shall not be used to pass a 133  
law authorizing any classification of property for the 134  
purpose of levying different rates of taxation thereon or of 135  
authorizing the levy of any single tax on land or land 136  
values or land sites at a higher rate or by a different rule 137  
than is or may be applied to improvements thereon or to 138  
personal property. 139

(B) (1) The power of the initiative shall not be used to 140  
pass an amendment to this constitution that would grant or 141  
create a monopoly or a special interest, privilege, benefit, 142  
right, or license of an economic nature to any person, 143

partnership, association, corporation, organization, or 144  
other nonpublic entity, or any combination thereof, however 145  
organized, that is not available to other similarly situated 146  
persons or entities at the time the amendment is scheduled 147  
to become effective. 148

(2) (a) A constitutional amendment may be proposed that 149  
would repeal or suspend division (B) (1) of this section or 150  
amend division (B) (1) of this section to include an 151  
exception, only if the proposed amendment contains no other 152  
provision. 153

(b) A proposed amendment to this constitution that, but 154  
for the repeal, suspension, or amendment described in 155  
division (B) (2) (a) of this section, would violate division 156  
(B) (1) of this section may be submitted to the electors only 157  
at a regular or general election occurring subsequent to the 158  
election at which the electors approved the repeal, 159  
suspension, or amendment described in division (B) (2) (a) of 160  
this section. 161

(3) An initiative petition filed under Section 1a of 162  
this article is not valid if the attorney general determines 163  
that it proposes a constitutional amendment that would 164  
violate or be inconsistent with division (B) (1) or (2) of 165  
this section. A proposed constitutional amendment contained 166  
in a petition that violates this division shall not be 167  
submitted to the electors. 168

(4) If, at the general election held on November 3, 169  
2015, the electors approve a constitutional amendment that 170  
violates or is inconsistent with division (B) (1) of this 171  
section, then notwithstanding any severability provision to 172  
the contrary, that entire proposed constitutional amendment 173

