

**As Reported by the House Government Accountability and  
Oversight Committee**

**131st General Assembly**

**Regular Session  
2015-2016**

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

**Representatives Smith, R., Curtin**

**Cosponsors: Representatives Brown, Buchy, Derickson, Green, McColley**

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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  
commercial 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 19  
by initiative petition shall submit to the attorney general, 20  
in the manner and with the requisite number of signatures 21  
prescribed by law, an initial petition containing the 22  
proposed constitutional amendment and a summary of it that 23  
contains a fair and truthful statement of the proposed 24  
constitutional amendment. The attorney general shall examine 25  
the summary to determine whether it is a fair and truthful 26  
statement of the proposed constitutional amendment and shall 27  
examine the proposed constitutional amendment to determine 28  
whether it violates or is inconsistent with division (B) (1) 29  
or (2) of Section 1e of this article. 30

A petitioner who is aggrieved by the attorney general's 31  
determination may challenge the determination in the supreme 32  
court of Ohio. The supreme court of Ohio shall have 33  
exclusive, original jurisdiction in all such challenges. 34

(C) The petition shall contain only one proposed 35  
constitutional amendment, so as to enable the electors to 36  
vote on each proposal separately. The Ohio ballot board 37  
shall determine whether the petition contains only one 38  
proposed constitutional amendment. 39

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

approval or rejection of the electors, the proposed 50  
amendment, in the manner hereinafter provided, at the next 51  
succeeding regular or general election in any year occurring 52  
subsequent to one hundred twenty-five days after the filing 53  
of such petition. The initiative petitions, above described, 54  
shall have printed across the top thereof: "Amendment to the 55  
Constitution Proposed by Initiative Petition to be Submitted 56  
Directly to the Electors." 57

Section 1b. (A) Whoever seeks to propose a law by 58  
initiative petition shall submit to the attorney general, in 59  
the manner and with the requisite number of signatures 60  
prescribed by law, an initial petition containing the 61  
proposed law and a summary of it that contains a fair and 62  
truthful statement of the proposed law. The attorney general 63  
shall examine the summary to determine whether it is a fair 64  
and truthful statement of the proposed law. 65

A petitioner who is aggrieved by the attorney general's 66  
determination may challenge the determination in the supreme 67  
court of Ohio. The supreme court of Ohio shall have 68  
exclusive, original jurisdiction in all such challenges. 69

(B) The petition shall contain only one proposed law, 70  
so as to enable the electors to vote on each proposal 71  
separately. The Ohio ballot board shall determine whether 72  
the petition contains only one proposed law. 73

(C) When at any time after the requirements of 74  
divisions (A) and (B) of this section have been met, not 75  
less than ten days prior to the commencement of any session 76  
of the general assembly, there shall have been filed with 77  
the secretary of state a petition signed by three per centum 78  
of the electors and verified as herein provided, proposing a 79

law, the full text of which shall have been set forth in 80  
such petition, the secretary of state shall transmit the 81  
same to the general assembly as soon as it convenes. If said 82  
proposed law shall be passed by the general assembly, either 83  
as petitioned for or in an amended form, it shall be subject 84  
to the referendum. If it shall not be passed, or if it shall 85  
be passed in an amended form, or if no action shall be taken 86  
thereon within four months from the time it is received by 87  
the general assembly, it shall be submitted by the secretary 88  
of state to the electors for their approval or rejection, if 89  
such submission shall be demanded by supplementary petition 90  
verified as herein provided and signed by not less than 91  
three per centum of the electors in addition to those 92  
signing the original petition, which supplementary petition 93  
must be signed and filed with the secretary of state within 94  
ninety days after the proposed law shall have been rejected 95  
by the general assembly or after the expiration of such term 96  
of four months, if no action has been taken thereon, or 97  
after the law as passed by the general assembly shall have 98  
been filed by the governor in the office of the secretary of 99  
state. The proposed law shall be submitted at the next 100  
regular or general election occurring subsequent to one 101  
hundred twenty-five days after the supplementary petition is 102  
filed in the form demanded by such supplementary petition, 103  
which form shall be either as first petitioned for or with 104  
any amendment or amendments which may have been incorporated 105  
therein by either branch or by both branches, of the general 106  
assembly. If a proposed law so submitted is approved by a 107  
majority of the electors voting thereon, it shall be the law 108  
and shall go into effect as herein provided in lieu of any 109  
amended form of said law which may have been passed by the 110  
general assembly, and such amended law passed by the general 111

assembly shall not go into effect until and unless the law 112  
proposed by supplementary petition shall have been rejected 113  
by the electors. All such initiative petitions, last above 114  
described, shall have printed across the top thereof, in 115  
case of proposed laws: "Law Proposed by Initiative Petition 116  
First to be Submitted to the General Assembly." Ballots 117  
shall be so printed as to permit an affirmative or negative 118  
vote upon each measure submitted to the electors. Any 119  
proposed law or amendment to the constitution submitted to 120  
the electors as provided in 1a and 1b, if approved by a 121  
majority of the electors voting thereon, shall take effect 122  
thirty days after the election at which it was approved and 123  
shall be published by the secretary of state. If conflicting 124  
proposed laws or conflicting proposed amendments to the 125  
constitution shall be approved at the same election by a 126  
majority of the total number of votes cast for and against 127  
the same, the one receiving the highest number of 128  
affirmative votes shall be the law, or in the case of 129  
amendments to the constitution shall be the amendment to the 130  
constitution. No law proposed by initiative petition and 131  
approved by the electors shall be subject to the veto of the 132  
governor. 133

**Section 1e.** (A) The powers defined herein as the 134  
"initiative" and "referendum" shall not be used to pass a 135  
law authorizing any classification of property for the 136  
purpose of levying different rates of taxation thereon or of 137  
authorizing the levy of any single tax on land or land 138  
values or land sites at a higher rate or by a different rule 139  
than is or may be applied to improvements thereon or to 140  
personal property. 141

(B) (1) The power of the initiative shall not be used to 142

pass an amendment to this constitution that would grant or 143  
create a monopoly or a special interest, privilege, benefit, 144  
right, or license of a commercial economic nature to any 145  
person, partnership, association, corporation, organization, 146  
or other nonpublic entity, or any combination thereof, 147  
however organized, that is not available to other similarly 148  
situated persons, partnerships, associations, corporations, 149  
organizations, or other nonpublic entities at the time the 150  
amendment is scheduled to become effective. 151

(2) (a) A constitutional amendment may be proposed that 152  
would repeal or suspend division (B) (1) of this section or 153  
amend division (B) (1) of this section to include an 154  
exception, only if the proposed amendment contains no other 155  
provision. 156

(b) A proposed amendment to this constitution that, but 157  
for the repeal, suspension, or amendment described in 158  
division (B) (2) (a) of this section, would violate division 159  
(B) (1) of this section may be submitted to the electors only 160  
at a regular or general election occurring subsequent to the 161  
election at which the electors approved the repeal, 162  
suspension, or amendment described in division (B) (2) (a) of 163  
this section. 164

(3) An initiative petition filed under Section 1a of 165  
this article is not valid if the attorney general determines 166  
that it proposes a constitutional amendment that would 167  
violate or be inconsistent with division (B) (1) or (2) of 168  
this section. A proposed constitutional amendment contained 169  
in a petition that violates this division shall not be 170  
submitted to the electors. 171

(4) If, at the general election held on November 3, 172

2015, the electors approve a proposed constitutional 173  
amendment that violates or is inconsistent with division (B) 174  
(1) of this section or if, at any subsequent election, the 175  
electors approve such a constitutional amendment that was 176  
proposed by an initiative petition certified by the attorney 177  
general and the Ohio ballot board prior to the effective 178  
date of this amendment, then notwithstanding any 179  
severability provision to the contrary, that entire proposed 180  
constitutional amendment shall not take effect. The supreme 181  
court of Ohio shall have original, exclusive jurisdiction in 182  
any action that relates to this division. 183

EFFECTIVE DATE AND REPEAL 184

If adopted by a majority of the electors voting on this 185  
proposal, Sections 1a, 1b, and 1e of Article II as amended 186  
by this proposal shall take immediate effect and existing 187  
Sections 1a, 1b, and 1e of Article II of the Constitution of 188  
the State of Ohio shall be repealed from that effective 189  
date. 190

SCHEDULE 191

Division (B) (1) of Section 1e of Article II of the 192  
Constitution of the State of Ohio, as amended by this 193  
proposal, does not apply to any provision of the 194  
Constitution of the State of Ohio in effect prior to the 195  
effective date of that amendment. 196