

As Reported by the House State Government Committee

124th General Assembly

Regular Session

2001-2002

H. B. No. 445

REPRESENTATIVES Kearns, Trakas, Clancy

A BILL

To amend sections 3505.061, 3505.062 3505.063, and 1
3519.03 of the Revised Code to require the Ohio 2
Ballot Board or a group of persons designated by 3
the Board to prepare and file arguments in support 4
of or in opposition to each constitutional 5
amendment proposed by the General Assembly, each 6
constitutional amendment or law proposed by an 7
initiative petition, and each law, section, or item 8
of law subject to a referendum petition, if the 9
persons designated to prepare those arguments fail 10
to timely prepare and file them; to specify that 11
the positions of the four appointed Board members 12
must be considered vacant if the Board fails to 13
have the missing arguments prepared and filed; and 14
to require the Board to certify ballot language and 15
explanations to the Secretary of State at least 80 16
days prior to an election. 17

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3505.061, 3505.062, 3505.063, and 18
3519.03 of the Revised Code be amended to read as follows: 19

Sec. 3505.061. (A) The Ohio ballot board, as authorized by 20

Section 1 of Article XVI, Ohio Constitution, shall consist of the
secretary of state and four appointed members. No more than two of
the appointed members shall be of the same political party. One of
the members shall be appointed by the president of the senate, one
shall be appointed by the ~~minority~~ minority leader of the senate,
one shall be appointed by the speaker of the house of
representatives, and one shall be appointed by the minority leader
of the house of representatives. The appointments shall be made no
later than the last Monday in January in the year in which the
appointments are to be made. If any appointment is not so made,
the secretary of state, acting in place of the person otherwise
required to make the appointment, shall appoint as many qualified
members affiliated with the appropriate political party as are
necessary.

(B) The initial appointees to the board shall serve until the
first Monday in February, 1977. Thereafter, terms of office shall
be for four years, each term ending on the first Monday in
February. The term of the secretary of state on the board shall
coincide with ~~his~~ the secretary of state's term of office ~~as~~
~~secretary of state.~~ Each Except as otherwise provided in division
(B)(2) of section 3505.063 and division (B)(2) of section 3519.03
of the Revised Code, each appointed member ~~of the board~~ shall hold
office from the date of ~~his~~ appointment until the end of the term
for which ~~he was~~ appointed. Any Except as otherwise provided in
those divisions, any member appointed to fill a vacancy occurring
prior to the expiration of the term for which ~~his~~ the member's
predecessor was appointed shall hold office for the remainder of
~~such~~ that term. Any Except as otherwise provided in those
divisions, any member shall continue in office subsequent to the
expiration date of ~~his~~ the member's term until ~~his~~ the member's
successor takes office, or ~~until~~ a period of sixty days has
elapsed, whichever occurs first. Any vacancy occurring on the
board shall be filled in the manner provided for original

appointments. A member appointed to fill a vacancy shall be of the 54
same political party as that required of the member whom ~~he~~ the 55
member replaces. 56

(C) Members of the board shall serve without compensation but 57
shall be reimbursed for expenses actually and necessarily incurred 58
in the performance of their duties. 59

(D) The secretary of state shall be the ~~chairman~~ chairperson 60
of the board, and ~~he~~ the secretary of state or ~~his~~ the secretary 61
of state's representative shall have a vote equal to that of any 62
other member. The ~~vice-chairman~~ vice-chairperson shall act as 63
~~chairman~~ chairperson in the absence or disability of the ~~chairman~~ 64
chairperson, or during a vacancy in that office. The board shall 65
meet after notice of at least seven days at a time and place 66
determined by the ~~chairman~~ chairperson. At its first meeting, the 67
board shall elect a ~~vice-chairman~~ vice-chairperson from among its 68
members for a term of two years, and it shall adopt rules for its 69
procedures. After the first meeting, the board shall meet at the 70
call of the ~~chairman~~ chairperson or upon the written request of 71
three other members. Three members constitute a quorum. No action 72
shall be taken without the concurrence of three members. 73

(E) The secretary of state shall provide ~~such~~ technical, 74
professional, and clerical employees as ~~are~~ necessary for the 75
board to carry out its duties. 76

Sec. 3505.062. The Ohio ballot board shall do all of the 77
following: 78

(A) Prescribe the ballot language for constitutional 79
amendments proposed by the general assembly to be printed on the 80
questions and issues ballot, which language shall properly 81
identify the substance of the proposal to be voted upon; 82

(B) Prepare an explanation of each constitutional amendment 83
proposed by the general assembly, which explanation may include 84

the purpose and effects of the proposed amendment-;i 85

(C) Certify the ballot language and explanation, if any, to 86
the secretary of state no later than ~~seventy-five~~ eighty days 87
before the election at which the proposed question or issue is to 88
be submitted to the voters-;i 89

(D) Prepare, or designate a group of persons to prepare, 90
arguments in support of or in opposition to a constitutional 91
amendment proposed by a resolution of the general assembly, a 92
constitutional amendment or law proposed by initiative petition, 93
or a law, section, or item of law subject to a referendum 94
petition, if the persons otherwise responsible for the preparation 95
of those arguments fail to timely prepare and file them; 96

(E) Direct the means by which the secretary of state shall 97
disseminate information concerning proposed constitutional 98
amendments to the voters-;i 99

~~(E)~~(F) Direct the ~~chairman~~ chairperson to reimburse county 100
boards of elections for public notice costs associated with 101
statewide ballot issues, to the extent that the general assembly 102
appropriates money for ~~such~~ that purpose. 103

Sec. 3505.063. (A) When the general assembly adopts a 104
resolution proposing a constitutional amendment, it may, by 105
resolution, designate a group of members who voted in support of 106
the resolution to prepare arguments for the proposed amendment, 107
and a group of members who voted in opposition to the resolution 108
to prepare arguments against the proposed amendment. If no members 109
voted in opposition to the resolution, or if the general assembly 110
chooses not to designate a group of members to prepare arguments 111
for the proposed amendment or chooses not to designate a group of 112
members to prepare arguments against the proposed amendment, the 113
Ohio ballot board ~~may~~ shall prepare ~~the relevant arguments~~ or 114
designate a group of persons to prepare the relevant arguments. 115

All arguments prepared under this division shall be filed with the 116
secretary of state no later than seventy-five days before the date 117
of the election. No argument shall exceed three hundred words. 118

(B)(1) If the group of members of the general assembly or 120
other group of persons designated under division (A) of this 121
section fail to prepare and file their arguments in support of or 122
in opposition to the proposed amendment by the seventy-fifth day 123
before the date of the election, the secretary of state shall 124
notify the Ohio ballot board that those arguments have not been so 125
prepared and filed. The board then shall prepare the missing 126
arguments or designate a group of persons to prepare those 127
arguments. All arguments prepared under this division shall be 128
filed with the secretary of state no later than seventy days 129
before the date of the election. No argument shall exceed three 130
hundred words. 131

(2) If the Ohio ballot board fails to provide for the 132
preparation of missing arguments under division (B)(1) of this 133
section after being notified by the secretary of state that one or 134
more arguments have not been timely prepared and filed, the 135
positions of the four appointed members of the board shall be 136
considered vacant, and new members shall be appointed in the 137
manner provided for original appointments. 138

(C) The secretary of state shall disseminate information, 139
which may include part or all of the official explanation and 140
arguments concerning proposed amendments, by means of direct mail 141
or other written publication, broadcast, or ~~such~~ other means, or 142
combination of means, as the Ohio ballot board may direct, in 143
order to inform the voters as fully as possible concerning 144
proposed amendments. 145

Sec. 3519.03. (A) The committee named in a initiative 146

petition may prepare the argument or explanation, or both, in 147
favor of the measure proposed, and the committee named in a 148
referendum petition may prepare the argument or explanation, or 149
both, against any law, section, or item of law. The persons who 150
prepare the argument or explanation, or both, in opposition to the 151
initiated proposal, or the argument or explanation, or both, in 152
favor of the measure to be referred shall be named by the general 153
assembly, if it is in session, ~~and if not in session, then or~~ by 154
the governor, if the general assembly is not in session. Such 155
argument or explanation, or both, shall not exceed three hundred 156
words, and shall be filed with the secretary of state at least 157
seventy-five days prior to the date of the election at which the 158
measure is to be voted upon. 159

(B)(1) If the committee named in an initiative petition, the 160
committee named in a referendum petition, or other persons 161
designated under division (A) of this section fail to prepare and 162
file their arguments or explanations by the seventy-fifth day 163
before the date of the election, the secretary of state shall 164
notify the Ohio ballot board that those arguments or explanations 165
have not been so prepared and filed. The board then shall prepare 166
the missing arguments or explanations or designate a group of 167
persons to prepare those arguments or explanations. All arguments 168
or explanations prepared under this division shall be filed with 169
the secretary of state no later than seventy days before the date 170
of the election. No argument or explanation shall exceed three 171
hundred words. 172

(2) If the Ohio ballot board fails to provide for the 173
preparation of missing arguments or explanations under division 174
(B)(1) of this section after being notified by the secretary of 175
state that one or more arguments or explanations have not been 176
timely prepared and filed, the positions of the four appointed 177
members of the board shall be considered vacant, and new members 178

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shall be appointed in the manner provided for original
appointments.

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Section 2. That existing sections 3505.061, 3505.062,
3505.063, and 3519.03 of the Revised Code are hereby repealed.

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