

As Introduced

127th General Assembly
Regular Session
2007-2008

H. J. R. No. 3

Representatives Stewart, D., Peterson

Cosponsors: Representatives Beatty, DeWine, Book, Batchelder, Healy,
Domenick, Brown, Yuko, Harwood, Sayre, Dodd, Koziura, Lundy, Foley,
Brady, Heard, Otterman, Celeste, Yates, Szollosi, Sykes, Letson, Driehaus,
Dyer, Carmichael, Flowers, Gibbs

JOINT RESOLUTION

Proposing to amend Sections 1a, 1b, 1c, and 1g of 1
Article II of the Constitution of Ohio to require 2
an initiative or referendum to be placed on the 3
ballot at the first regular or general election 4
conducted more than one hundred twenty-five days 5
after the petition is filed and to revise other 6
deadlines relative to the filing of those 7
petitions. 8

Be it resolved by the General Assembly of the State of Ohio, 9
three-fifths of the members elected to each house concurring 10
herein, that there shall be submitted to the electors of the 11
state, in the manner prescribed by law at a special election to be 12
held on March 4, 2008, a proposal to amend Sections 1a, 1b, 1c, 13
and 1g of Article II of the Constitution of Ohio to read as 14
follows: 15

ARTICLE II

Section 1a. The first aforestated power reserved by the 16
people is designated the initiative, and the signatures of ten per 17
centum of the electors shall be required upon a petition to 18

propose an amendment to the constitution. When a petition signed 19
by the aforesaid required number of electors, shall have been 20
filed with the secretary of state, and verified as herein 21
provided, proposing an amendment to the constitution, the full 22
text of which shall have been set forth in such petition, the 23
secretary of state shall submit for the approval or rejection of 24
the electors, the proposed amendment, in the manner hereinafter 25
provided, at the next succeeding regular or general election in 26
any year occurring subsequent to ~~ninety~~ one hundred twenty-five 27
days after the filing of such petition. The initiative petitions, 28
above described, shall have printed across the top thereof: 29
"Amendment to the Constitution Proposed by Initiative Petition to 30
be Submitted Directly to the Electors." 31

Section 1b. When at any time, not less than ten days prior to 32
the commencement of any session of the general assembly, there 33
shall have been filed with the secretary of state a petition 34
signed by three per centum of the electors and verified as herein 35
provided, proposing a law, the full text of which shall have been 36
set forth in such petition, the secretary of state shall transmit 37
the same to the general assembly as soon as it convenes. If said 38
proposed law shall be passed by the general assembly, either as 39
petitioned for or in an amended form, it shall be subject to the 40
referendum. If it shall not be passed, or if it shall be passed in 41
an amended form, or if no action shall be taken thereon within 42
four months from the time it is received by the general assembly, 43
it shall be submitted by the secretary of state to the electors 44
for their approval or rejection ~~at the next regular or general~~ 45
~~election~~, if such submission shall be demanded by supplementary 46
petition verified as herein provided and signed by not less than 47
three per centum of the electors in addition to those signing the 48
original petition, which supplementary petition must be signed and 49
filed with the secretary of state within ninety days after the 50
proposed law shall have been rejected by the general assembly or 51

after the expiration of such term of four months, if no action has 52
been taken thereon, or after the law as passed by the general 53
assembly shall have been filed by the governor in the office of 54
the secretary of state. The proposed law shall be submitted at the 55
next regular or general election occurring subsequent to one 56
hundred twenty-five days after the supplementary petition is filed 57
in the form demanded by such supplementary petition, which form 58
shall be either as first petitioned for or with any amendment or 59
amendments which may have been incorporated therein by either 60
branch or by both branches, of the general assembly. If a proposed 61
law so submitted is approved by a majority of the electors voting 62
thereon, it shall be the law and shall go into effect as herein 63
provided in lieu of any amended form of said law which may have 64
been passed by the general assembly, and such amended law passed 65
by the general assembly shall not go into effect until and unless 66
the law proposed by supplementary petition shall have been 67
rejected by the electors. All such initiative petitions, last 68
above described, shall have printed across the top thereof, in 69
case of proposed laws: "Law Proposed by Initiative Petition First 70
to be Submitted to the General Assembly." Ballots shall be so 71
printed as to permit an affirmative or negative vote upon each 72
measure submitted to the electors. Any proposed law or amendment 73
to the constitution submitted to the electors as provided in 1a 74
and 1b, if approved by a majority of the electors voting thereon, 75
shall take effect thirty days after the election at which it was 76
approved and shall be published by the secretary of state. If 77
conflicting proposed laws or conflicting proposed amendments to 78
the constitution shall be approved at the same election by a 79
majority of the total number of votes cast for and against the 80
same, the one receiving the highest number of affirmative votes 81
shall be the law, or in the case of amendments to the constitution 82
shall be the amendment to the constitution. No law proposed by 83
initiative petition and approved by the electors shall be subject 84

to the veto of the governor. 85

Section 1c. The second aforestated power reserved by the 86
people is designated the referendum, and the signatures of six per 87
centum of the electors shall be required upon a petition to order 88
the submission to the electors of the state for their approval or 89
rejection, of any law, section of any law or any item in any law 90
appropriating money passed by the general assembly. No law passed 91
by the general assembly shall go into effect until ninety days 92
after it shall have been filed by the governor in the office of 93
the secretary of state, except as herein provided. When a 94
petition, signed by six per centum of the electors of the state 95
and verified as herein provided, shall have been filed with the 96
secretary of state within ninety days after any law shall have 97
been filed by the governor in the office of the secretary of 98
state, ordering that such law, section of such law or any item in 99
such law appropriating money be submitted to the electors of the 100
state for their approval or rejection, the secretary of state 101
shall submit to the electors of the state for their approval or 102
rejection such law, section or item, in the manner herein 103
provided, at the next succeeding regular or general election in 104
any year occurring subsequent to ~~sixty~~ one hundred twenty-five 105
days after the filing of such petition, and no such law, section 106
or item shall go into effect until and unless approved by a 107
majority of those voting upon the same. If, however, a referendum 108
petition is filed against any such section or item, the remainder 109
of the law shall not thereby be prevented or delayed from going 110
into effect. 111

Section 1g. Any initiative, supplementary, or referendum 112
petition may be presented in separate parts but each part shall 113
contain a full and correct copy of the title, and text of the law, 114
section or item thereof sought to be referred, or the proposed law 115
or proposed amendment to the constitution. Each signer of any 116

initiative, supplementary, or referendum petition must be an 117
elector of the state and shall place on such petition after his 118
name the date of signing and his place of residence. A signer 119
residing outside of a municipality shall state the county and the 120
rural route number, post office address, or township of his 121
residence. A resident of a municipality shall state the street and 122
number, if any, of his residence and the name of the municipality 123
or post office address. The names of all signers to such petitions 124
shall be written in ink, each signer for himself. To each part of 125
such petition shall be attached the statement of the circulator, 126
as may be required by law, that he witnessed the affixing of every 127
signature. The secretary of state shall determine the sufficiency 128
of the signatures not later than one hundred five days before the 129
election. 130

The Ohio supreme court shall have original, exclusive 131
jurisdiction over all challenges made to petitions and signatures 132
upon such petitions under this section. Any challenge to a 133
petition or signature on a petition shall be filed not later than 134
ninety-five days before the day of the election. The court shall 135
hear and rule on any challenges made to petitions and signatures 136
not later than eighty-five days before the election. If no ruling 137
determining the petition or signatures to be insufficient is 138
issued at least eighty-five days before the election, the petition 139
and signatures upon such petitions shall be presumed to be in all 140
respects sufficient, ~~unless not later than forty days before the~~ 141
~~election, it shall be otherwise proved and in such event.~~ 142

If the petitions or signatures are determined to be 144
insufficient, ten additional days shall be allowed for the filing 145
of additional signatures to such petition. ~~No~~ If additional 146
signatures are filed, the secretary of state shall determine the 147
sufficiency of those additional signatures not later than 148

sixty-five days before the election. Any challenge to the 149
additional signatures shall be filed not later than fifty-five 150
days before the day of the election. The court shall hear and rule 151
on any challenges made to the additional signatures not later than 152
forty-five days before the election. If no ruling determining the 153
additional signatures to be insufficient is issued at least 154
forty-five days before the election, the petition and signatures 155
shall be presumed to be in all respects sufficient. 156

No law or amendment to the constitution submitted to the 157
electors by initiative and supplementary petition and receiving an 158
affirmative majority of the votes cast thereon, shall be held 159
unconstitutional or void on account of the insufficiency of the 160
petitions by which such submission of the same was procured; nor 161
shall the rejection of any law submitted by referendum petition be 162
held invalid for such insufficiency. Upon all initiative, 163
supplementary, and referendum petitions provided for in any of the 164
sections of this article, it shall be necessary to file from each 165
of one-half of the counties of the state, petitions bearing the 166
signatures of not less than one-half of the designated percentage 167
of the electors of such county. A true copy of all laws or 168
proposed laws or proposed amendments to the constitution, together 169
with an argument or explanation, or both, for, and also an 170
argument or explanation, or both, against the same, shall be 171
prepared. The person or persons who prepare the argument or 172
explanation, or both, against any law, section, or item, submitted 173
to the electors by referendum petition, may be named in such 174
petition and the persons who prepare the argument or explanation, 175
or both, for any proposed law or proposed amendment to the 176
constitution may be named in the petition proposing the same. The 177
person or persons who prepare the argument or explanation, or 178
both, for the law, section, or item, submitted to the electors by 179
referendum petition, or against any proposed law submitted by 180
supplementary petition, shall be named by the general assembly, if 181

in session, and if not in session then by the governor. The law, 182
or proposed law, or proposed amendment to the constitution, 183
together with the arguments and explanations, not exceeding a 184
total of three hundred words for each, and also the arguments and 185
explanations, not exceeding a total of three hundred words against 186
each, shall be published once a week for three consecutive weeks 187
preceding the election, in at least one newspaper of general 188
circulation in each county of the state, where a newspaper is 189
published. The secretary of state shall cause to be placed upon 190
the ballots, the ballot language for any such law, or proposed 191
law, or proposed amendment to the constitution, to be submitted. 192
The ballot language shall be prescribed by the Ohio ballot board 193
in the same manner, and subject to the same terms and conditions, 194
as apply to issues submitted by the general assembly pursuant to 195
Section 1 of Article XVI of this constitution. The ballot language 196
shall be so prescribed and the secretary of state shall cause the 197
ballots so to be printed as to permit an affirmative or negative 198
vote upon each law, section of law, or item in a law appropriating 199
money, or proposed law, or proposed amendment to the constitution. 200
The style of all laws submitted by initiative and supplementary 201
petition shall be: "Be it Enacted by the People of the State of 202
Ohio," and of all constitutional amendments: "Be it Resolved by 203
the People of the State of Ohio." The basis upon which the 204
required number of petitioners in any case shall be determined 205
shall be the total number of votes cast for the office of governor 206
at the last preceding election therefor. The foregoing provisions 207
of this section shall be self-executing, except as herein 208
otherwise provided. Laws may be passed to facilitate their 209
operation, but in no way limiting or restricting either such 210
provisions or the powers herein reserved. 211

EFFECTIVE DATE AND REPEAL 212

If adopted by a majority of the electors voting on this 213
proposal, Sections 1a, 1b, 1c, and 1g of Article II amended by 214

this proposal shall take immediate effect, and existing Sections 215
1a, 1b, 1c, and 1g of Article II of the Constitution of Ohio are 216
repealed from that effective date. 217