

**As Reported by the House State Government and Elections  
Committee**

**127th General Assembly  
Regular Session  
2007-2008**

**Am. 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, Daniels, Collier, Reinhard, Schneider,  
Skindell**

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**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 the general election to 12  
be held on November 4, 2008, a proposal to amend Sections 1a, 1b, 13  
1c, 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 centum of the electors shall be required upon a petition to propose an amendment to the constitution. When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary of state, and verified as herein provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors, the proposed amendment, in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to ~~ninety~~ one hundred twenty-five days after the filing of such petition. The initiative petitions, above described, shall have printed across the top thereof: "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors."

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

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