

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. J. R. No. 16

Representative Schneider

Cosponsors: Representatives Slesnick, Harwood, Murray, Yuko, Hagan

JOINT RESOLUTION

Proposing to amend Section 6 of Article IV of the 1
Constitution of Ohio to eliminate the age at and 2
after which a person may not be elected or 3
appointed to a judicial office. 4

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Be it resolved by the General Assembly of the State of Ohio, 6
three-fifths of the members elected to each house concurring 7
herein, that there shall be submitted to the electors of the 8
state, in the manner prescribed by law at the general election to 9
be held on November 2, 2010, a proposal to amend Section 6 of 10
Article IV of the Constitution of Ohio to read as follows: 11

ARTICLE IV

Section 6. (A)(1) The chief justice and the justices of the 12
supreme court shall be elected by the electors of the state at 13
large, for terms of not less than six years. 14

(2) The judges of the courts of appeals shall be elected by 15
the electors of their respective appellate districts, for terms of 16
not less than six years. 17

(3) The judges of the courts of common pleas and the 18
divisions thereof shall be elected by the electors of the 19
counties, districts, or, as may be provided by law, other 20

subdivisions, in which their respective courts are located, for 21
terms of not less than six years, and each judge of a court of 22
common pleas or division thereof shall reside during his term of 23
office in the county, district, or subdivision in which his court 24
is located. 25

(4) Terms of office of all judges shall begin on the days 26
fixed by law, and laws shall be enacted to prescribe the times and 27
mode of their election. 28

(B) The judges of the supreme court, courts of appeals, 29
courts of common pleas, and divisions thereof, and of all courts 30
of record established by law, shall, at stated times, receive, for 31
their services such compensation as may be provided by law, which 32
shall not be diminished during their term of office. The 33
compensation of all judges of the supreme court, except that of 34
the chief justice, shall be the same. The compensation of all 35
judges of the courts of appeals shall be the same. Common pleas 36
judges and judges of divisions thereof, and judges of all courts 37
of record established by law shall receive such compensation as 38
may be provided by law. Judges shall receive no fees or 39
perquisites, nor hold any other office of profit or trust, under 40
the authority of this state, or of the United States. All votes 41
for any judge, for any elective office, except a judicial office, 42
under the authority of this state, given by the general assembly, 43
or the people shall be void. 44

(C) ~~No person shall be elected or appointed to any judicial 45
office if on or before the day when he shall assume the office and 46
enter upon the discharge of its duties he shall have attained the 47
age of seventy years.~~ Any voluntarily retired judge, or any judge 48
who ~~is~~ was retired under this section as it existed before January 49
1, 2011, may be assigned with ~~his~~ the retired judge's consent, by 50
the chief justice or acting chief justice of the supreme court, to 51
active duty as a judge and while so serving shall receive the 52

established compensation for such office, computed upon a per diem 53
basis, in addition to any retirement benefits to which ~~he~~ the 54
retired judge may be entitled. Laws may be passed providing 55
retirement benefits for judges. 56

EFFECTIVE DATE AND REPEAL 57

If adopted by a majority of the electors voting on this 58
proposal, Section 6 of Article IV as amended by this proposal 59
shall take effect on January 1, 2011, and existing Section 6 is 60
repealed from that effective date. 61

SCHEDULE 62

The amendments to Section 6 of Article IV of the Constitution 63
of Ohio in part substitute gender neutral for gender specific 64
language. The gender neutralizing amendments are not intended to 65
make a substantive change in the Ohio Constitution. The gender 66
neutral language is to be construed as a restatement of, and 67
substituted in a continuing way for, the corresponding gender 68
specific language existing prior to adoption of the gender 69
neutralizing amendments. 70