

As Re-Referred to the House Judiciary Committee

128th General Assembly

Regular Session

2009-2010

Am. Sub. H. J. R. No. 9

Representatives Huffman, Yates

Cosponsors: Representatives Murray, Blessing, Skindell, Pillich, Hagan,

Amstutz, Fende, Ujvagi, Domenick, Chandler, Combs, Evans, Stebelton,

Yuko

JOINT RESOLUTION

Proposing to amend Section 6 of Article IV and to 1
repeal Sections 19 and 22 of Article IV of the 2
Constitution of Ohio to change the age at and 3
after which a person may not be elected or 4
appointed to a judicial office, to require the 5
name of a political party that nominated a 6
judicial candidate to appear on the general 7
election ballot with the candidate's name, and to 8
eliminate the authority of the General Assembly to 9
establish courts of conciliation and to reappoint 10
a Supreme Court commission. 11

12

Be it resolved by the General Assembly of the State of Ohio, 13
three-fifths of the members elected to each house concurring 14
herein, that there shall be submitted to the electors of the 15
state, in the manner prescribed by law at the general election to 16
be held on November 2, 2010, a proposal to amend Section 6 of 17
Article IV of the Constitution of Ohio to read as follows: 18

ARTICLE IV

Section 6. (A)(1) The chief justice and the justices of the 19

supreme court shall be elected by the electors of the state at 20
large, for terms of not less than six years. 21

(2) The judges of the courts of appeals shall be elected by 22
the electors of their respective appellate districts, for terms of 23
not less than six years. 24

(3) The judges of the courts of common pleas and the 25
divisions thereof shall be elected by the electors of the 26
counties, districts, or, as may be provided by law, other 27
subdivisions, in which their respective courts are located, for 28
terms of not less than six years, and each judge of a court of 29
common pleas or division thereof shall reside during his term of 30
office in the county, district, or subdivision in which his court 31
is located. 32

(4) Terms of office of all judges shall begin on the days 33
fixed by law, and laws shall be enacted to prescribe the times and 34
mode of their election. 35

(5) The name of any political party that nominated a 36
candidate for the office of chief justice or justice of the 37
supreme court or that nominated a candidate for the office of 38
judge shall appear with the candidate's name on the general 39
election ballot for the applicable judicial office. 40

(B) The judges of the supreme court, courts of appeals, 41
courts of common pleas, and divisions thereof, and of all courts 42
of record established by law, shall, at stated times, receive, for 43
their services such compensation as may be provided by law, which 44
shall not be diminished during their term of office. The 45
compensation of all judges of the supreme court, except that of 46
the chief justice, shall be the same. The compensation of all 47
judges of the courts of appeals shall be the same. Common pleas 48
judges and judges of divisions thereof, and judges of all courts 49
of record established by law shall receive such compensation as 50

may be provided by law. Judges shall receive no fees or 51
perquisites, nor hold any other office of profit or trust, under 52
the authority of this state, or of the United States. All votes 53
for any judge, for any elective office, except a judicial office, 54
under the authority of this state, given by the general assembly, 55
or the people shall be void. 56

(C) No person shall be elected or appointed to any judicial 57
office if on or before the day when ~~he~~ the person shall assume the 58
office and enter upon the discharge of its duties ~~he~~ the person 59
shall have attained the age of ~~seventy~~ seventy-five years. Any 60
voluntarily retired judge, or any judge who is retired under this 61
section, may be assigned with ~~his~~ the retired judge's consent, by 62
the chief justice or acting chief justice of the supreme court, to 63
active duty as a judge and while so serving shall receive the 64
established compensation for such office, computed upon a per diem 65
basis, in addition to any retirement benefits to which ~~he~~ the 66
retired judge may be entitled. Laws may be passed providing 67
retirement benefits for judges. 68

EFFECTIVE DATE AND REPEAL 69

If adopted by a majority of the electors voting on this 70
proposal, Section 6 of Article IV as amended by this proposal 71
shall take effect on January 1, 2011, and existing Section 6 and 72
Sections **Section 19.** and **Section 22.** of Article IV are repealed 73
from that effective date. 74

SCHEDULE 75

The amendments to Section 6 of Article IV of the Constitution 76
of Ohio in part substitute gender neutral for gender specific 77
language. The gender neutralizing amendments are not intended to 78
make a substantive change in the Ohio Constitution. The gender 79
neutral language is to be construed as a restatement of, and 80
substituted in a continuing way for, the corresponding gender 81
specific language existing prior to adoption of the gender 82

neutralizing amendments.