

# As Reported by the House Judiciary and Ethics Committee

129th General Assembly

Regular Session

2011-2012

Am. H. J. R. No. 1

Representatives Huffman, Fende

Cosponsors: Representatives Slaby, Grossman, Gardner, Sears, Maag,  
Derickson, McKenney, Amstutz, Brenner, Pillich, Combs, Blessing, McClain,  
Thompson, Blair, Dovilla, Coley

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## 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 the State of Ohio to change the 3  
age at and after which a person may not be elected 4  
or appointed to a judicial office and to eliminate 5  
the authority of the General Assembly to establish 6  
courts of conciliation and to reappoint a Supreme 7  
Court commission. 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 8, 2011, a proposal to amend Section 6 of 13  
Article IV of the Constitution of the State of Ohio to read as 14  
follows: 15

### ARTICLE IV

**Section 6.** (A)(1) The chief justice and the justices of the 16  
supreme court shall be elected by the electors of the state at 17  
large, for terms of not less than six years. 18

(2) The judges of the courts of appeals shall be elected by 19

the electors of their respective appellate districts, for terms of 20  
not less than six years. 21

(3) The judges of the courts of common pleas and the 22  
divisions thereof shall be elected by the electors of the 23  
counties, districts, or, as may be provided by law, other 24  
subdivisions, in which their respective courts are located, for 25  
terms of not less than six years, and each judge of a court of 26  
common pleas or division thereof shall reside during his term of 27  
office in the county, district, or subdivision in which his court 28  
is located. 29

(4) Terms of office of all judges shall begin on the days 30  
fixed by law, and laws shall be enacted to prescribe the times and 31  
mode of their election. 32

(B) The judges of the supreme court, courts of appeals, 33  
courts of common pleas, and divisions thereof, and of all courts 34  
of record established by law, shall, at stated times, receive, for 35  
their services such compensation as may be provided by law, which 36  
shall not be diminished during their term of office. The 37  
compensation of all judges of the supreme court, except that of 38  
the chief justice, shall be the same. The compensation of all 39  
judges of the courts of appeals shall be the same. Common pleas 40  
judges and judges of divisions thereof, and judges of all courts 41  
of record established by law shall receive such compensation as 42  
may be provided by law. Judges shall receive no fees or 43  
perquisites, nor hold any other office of profit or trust, under 44  
the authority of this state, or of the United States. All votes 45  
for any judge, for any elective office, except a judicial office, 46  
under the authority of this state, given by the general assembly, 47  
or the people shall be void. 48

(C) No person shall be elected or appointed to any judicial 49  
office if on or before the ~~day when he shall assume~~ date of the 50  
election at which the office ~~and enter upon the discharge of its~~ 51

~~duties he is to be filled the person~~ shall have attained the age 52  
of ~~seventy~~ seventy-five years. Any voluntarily retired judge, or 53  
any judge who is retired under this section, may be assigned with 54  
~~his~~ the retired judge's consent, by the chief justice or acting 55  
chief justice of the supreme court, to active duty as a judge and 56  
while so serving shall receive the established compensation for 57  
such office, computed upon a per diem basis, in addition to any 58  
retirement benefits to which ~~he~~ the retired judge may be entitled. 59  
Laws may be passed providing retirement benefits for judges. 60

EFFECTIVE DATE AND REPEAL 61

If adopted by a majority of the electors voting on this 62  
proposal, Section 6 of Article IV as amended by this proposal 63  
shall take effect immediately, and existing Section 6 and Sections 64  
19 and 22 of Article IV of the Constitution of the State of Ohio 65  
shall be repealed effective immediately. 66

SCHEDULE 67

The amendments to Section 6 of Article IV of the Constitution 68  
of the State of Ohio in part substitute gender neutral for gender 69  
specific language. The gender neutralizing amendments are not 70  
intended to make a substantive change in the Ohio Constitution. 71  
The gender neutral language is to be construed as a restatement 72  
of, and substituted in a continuing way for, the corresponding 73  
gender specific language existing prior to adoption of the gender 74  
neutralizing amendments. 75