

As Introduced

129th General Assembly
Regular Session
2011-2012

H. J. R. No. 7

Representative Goyal

JOINT RESOLUTION

Proposing to amend Section 11 of Article II, Sections 1a and 17a of Article III, Section 7 of Article V, Section 3 of Article VII, Section 4 of Article X, and Section 2 of Article XVII, to enact Section 3 of Article XVII, and to repeal Section 18 of Article III and Section 13 of Article IV of the Constitution of the State of Ohio to institute two candidate primary elections.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at a special election to be held on May 6, 2014, a proposal to amend Section 11 of Article II, Sections 1a and 17a of Article III, Section 7 of Article V, Section 3 of Article VII, Section 4 of Article X, and Section 2 of Article XVII and to enact Section 3 of Article XVII of the Constitution of the State of Ohio to read as follows:

ARTICLE II

Section 11. A vacancy in the Senate or in the House of Representatives for any cause, including the failure of a member-elect to qualify for office, shall be filled by ~~election by~~

~~the members of the Senate or the members of the House of~~ 21
~~Representatives, as the case may be, who are affiliated with the~~ 22
~~same political party as~~ a majority vote of the committee of five 23
qualified electors designated in the declaration of candidacy or 24
nominating petition of the person last elected ~~by the electors~~ to 25
the seat which has become vacant. A vacancy occurring before or 26
during the first twenty months of a Senatorial term shall be 27
filled temporarily ~~by election~~ as provided in this section, for 28
only that portion of the term which will expire on the 29
thirty-first day of December following the next general election 30
occurring in an even-numbered year after the vacancy occurs, at 31
which election the seat shall be filled by the electors as 32
provided by law for the remaining, unexpired portion of the term, 33
the member-elect so chosen to take office on the first day in 34
January next following such election. No person shall ~~be elected~~ 35
~~to~~ fill a vacancy in the Senate or House of Representatives, as 36
the case may be, unless ~~he~~ the person meets the qualifications set 37
forth in this Constitution and the laws of this state for the seat 38
in which the vacancy occurs. ~~An election to fill a vacancy~~ A 39
member of the committee of five shall be accomplished, 40
~~notwithstanding the provisions of section 27, Article II of this~~ 41
~~Constitution, by the adoption of a resolution, while the Senate or~~ 42
~~the House of Representatives, as the case may be, is in session,~~ 43
~~with the taking of the yeas and nays of the members of the Senate~~ 44
~~or the House of Representatives, as the case may be, affiliated~~ 45
~~with the same political party as the person last elected to the~~ 46
~~seat in which the vacancy occurs. The adoption of such resolution~~ 47
~~shall require the affirmative vote of a majority of the members~~ 48
~~elected to the Senate or the House of Representatives, as the case~~ 49
~~may be, entitled to vote thereon. Such vote shall be spread upon~~ 50
~~the journal of the Senate or the House of Representatives, as the~~ 51
~~case may be, and certified~~ certify to the Secretary of State ~~by~~ 52
the clerk thereof, in writing and under oath, the name of the 53

person selected to fill the vacancy. The Secretary of State shall, 54
upon receipt of such certification, issue a certificate of 55
~~election~~ to the person so ~~elected~~ selected and upon presentation 56
of such certificate to the Senate or the House of Representatives, 57
as the case may be, the person so ~~elected~~ selected shall take the 58
oath of office and become a member of the Senate or the House of 59
Representatives, as the case may be, for the term for which ~~he~~ the 60
person was so ~~elected~~ selected. 61

ARTICLE III

Section 1a. In the general election for governor and 62
lieutenant governor, one vote shall be cast jointly for the 63
candidates nominated ~~by~~ in the same ~~political party or petition~~ 64
primary election. The general assembly shall provide by law for 65
the nomination of candidates for governor and lieutenant governor. 66

Section 17a. Whenever there is a vacancy in the office of the 67
lieutenant governor, the ~~governor~~ committee of five qualified 68
electors designated in the joint declaration of candidacy or 69
nominating petition of the person last elected to that office 70
shall ~~nominate, by a majority vote, select~~ a lieutenant governor, 71
~~who shall take office upon confirmation by vote of a majority of~~ 72
~~the members elected to each house of the general assembly.~~ 73

ARTICLE V

Section 7. All (A)(1) Except as provided in divisions (B), 74
(C), (D), and (E) of this section, all nominations for elective 75
congressional, state, district, county and municipal offices shall 76
be made at direct top two candidate primary elections ~~or by~~ 77
~~petition as provided by law, and provision shall be made by law~~ 78
~~for a preferential vote for United States senator; but direct~~ 79
~~primaries shall not be held for the nomination of.~~ All candidates 80
for a given office shall be listed on a single primary election 81

ballot. An elector may cast a vote for any candidate for 82
nomination to each office, regardless of the elector's political 83
party affiliation, provided that the elector is otherwise 84
qualified to vote for candidates for that office. For each office, 85
the candidates who are the top two vote-getters shall compete in 86
the general election. 87

(2)(a) In order to appear on the primary election ballot, a 88
candidate for statewide office shall submit a declaration of 89
candidacy that designates a committee of five qualified electors 90
to represent the candidate and a petition containing the 91
signatures of not less than five hundred qualified electors, 92
except that joint candidates for governor and lieutenant governor 93
shall submit a joint declaration of candidacy and a joint petition 94
containing the signatures of not less than five hundred qualified 95
electors. 96

(b) In order to appear on the primary election ballot, a 97
candidate for district, county, or municipal office shall submit a 98
declaration of candidacy that designates a committee of five 99
qualified electors to represent the candidate and a petition 100
containing the signatures of not less than twenty-five qualified 101
electors, except that the petition of a candidate for member of 102
the legislative authority of a municipal corporation elected by 103
ward shall contain the signatures of not less than thirteen 104
qualified electors. 105

(3) Except as provided in divisions (B), (C), and (E) of this 106
section, no candidate for elective congressional, state, district, 107
county, or municipal office shall be nominated by petition and no 108
person shall be a write-in candidate for election to those offices 109
in a general election. 110

(4) Each candidate for nomination by direct top two candidate 111
primary election may declare a political party preference in the 112
declaration of candidacy. This preference, if any, shall accompany 113

the candidate's name on the ballot in the primary and general 114
election. A political party shall not nominate a candidate for 115
elective congressional, state, district, county, or municipal 116
office. A political party may endorse, support, or oppose such a 117
candidate. 118

(B) Candidates for township officers or for the officers of 119
municipalities of less than two thousand population shall be 120
nominated by petition, as provided by law, unless petitioned for 121
by a majority of the electors of such township or municipality 122
petition to hold direct top two candidate primary elections. 123

(C) Candidates for nonpartisan office shall be nominated by 124
petition, as provided by law. 125

(D) When a person nominated as a candidate for an elective 126
office in a top two candidate primary election or by nominating 127
petition withdraws, dies, or is disqualified prior to the general 128
election, the committee of five designated in the person's 129
declaration of candidacy or nominating petition may, by a majority 130
vote, select a person as a candidate for that office. 131

(E) If an elective office becomes vacant subsequent to the 132
one hundred fifteenth day before the day of a primary election and 133
a person may be elected at the next general election to fill the 134
unexpired term of the vacant office, candidates for that office 135
may file nominating petitions in order to appear on the ballot in 136
the general election, as provided by law. 137

(F) All delegates from this state to the national conventions 138
of political parties shall be chosen by direct vote of the 139
electors in a manner provided by law. Each candidate for such 140
delegate shall state his the candidate's first and second choices 141
for the presidency, but the name of no candidate for the 142
presidency shall be so used without his the candidate's written 143
authority. 144

ARTICLE VII

Section 3. The Governor shall have power to fill all 145
vacancies that may occur in the appointed offices aforesaid, until 146
the next session of the General Assembly, and, until a successor 147
to his appointee shall be confirmed and qualified. 148

ARTICLE X

Section 4. The Legislative authority (which includes the 149
Board of County Commissioners) of any county may by a two-thirds 150
vote of its members, or upon petition of eight per cent of the 151
electors of the county as certified by the election authorities of 152
the county shall forthwith, by resolution submit to the electors 153
of the county the question, "Shall a county charter commission be 154
chosen?" The question shall be voted upon at the next general 155
election, occurring not sooner than ninety-five days after 156
certification of the resolution to the election authorities. The 157
ballot containing the question shall bear no party designation. 158
Provision shall be made thereon for the election to such 159
commission from the county at large of fifteen electors if a 160
majority of the electors voting on the question have voted in the 161
affirmative. 162

Candidates for such commission shall be nominated by petition 163
of one per cent of the electors of the county. The petition shall 164
be filed with the election authorities not less than seventy-five 165
days prior to such election. Candidates shall be declared elected 166
in the order of the number of votes received, beginning with the 167
candidate receiving the largest number; but not more than seven 168
candidates residing in the same city or village may be elected. 169
The holding of a public office does not preclude any person from 170
seeking or holding membership on a county charter commission nor 171
does membership on a county charter commission preclude any such 172

member from seeking or holding other public office, but not more 173
than four officeholders may be elected to a county charter 174
commission at the same time. The legislative authority shall 175
appropriate sufficient sums to enable the charter commission to 176
perform its duties and to pay all reasonable expenses thereof. 177

The commission shall frame a charter for the county or 178
amendments to the existing charter, and shall, by vote of a 179
majority of the authorized number of members of the commission, 180
submit the same to the electors of the county, to be voted upon at 181
the next general election next following the election of the 182
commission. The commission shall certify the proposed charter or 183
amendments to the election authorities not later than seventy-five 184
days prior to such election. Amendments to a county charter or the 185
question of the repeal thereof may also be submitted to the 186
electors of the county in the manner provided in this section for 187
the submission of the question whether a charter commission shall 188
be chosen, to be voted upon at the first general election 189
occurring not sooner than sixty days after their submission. The 190
legislative authority or charter commission submitting any charter 191
or amendment shall, not later than thirty days prior to the 192
election on such charter or amendment, mail or otherwise 193
distribute a copy thereof to each of the electors of the county as 194
far as may be reasonably possible, except that, as provided by 195
law, notice of proposed amendments may be given by newspaper 196
advertising. Except as provided in Section 3 of this Article, 197
every charter or amendment shall become effective if it has been 198
approved by the majority of the electors voting thereon. It shall 199
take effect on the thirtieth day after such approval unless 200
another date be fixed therein. When more than one amendment, which 201
shall relate to only one subject but may affect or include more 202
than one section or part of a charter, is submitted at the same 203
time, they shall be so submitted as to enable the electors to vote 204
on each separately. In case more than one charter is submitted at 205

the same time or in case of conflict between the provisions of two 206
or more amendments submitted at the same time, that charter or 207
provision shall prevail which received the highest affirmative 208
vote, not less than a majority. If a charter or amendment 209
submitted by a charter commission is not approved by the electors 210
of the county, the charter commission may resubmit the same one 211
time, in its original form or as revised by the charter 212
commission, to the electors of the county at the next succeeding 213
general election or at any other election held throughout the 214
county prior thereto, in the manner provided for the original 215
submission thereof. 216

The legislative authority of any county, upon petition of ten 217
per cent of the electors of the county, shall forthwith, by 218
resolution, submit to the electors of the county, in the manner 219
provided in this section for the submission of the question 220
whether a charter commission shall be chosen, the question of the 221
adoption of a charter in the form attached to such petition. 222

Laws may be passed to provide for the organization and 223
procedures of county charter commissions, ~~including the filling of~~ 224
~~any vacancy which may occur, and otherwise~~ to facilitate the 225
operation of this section. The basis upon which the required 226
number of petitioners in any case provided for in this section 227
shall be determined, shall be the total number of votes cast in 228
the county for the office of Governor at the last preceding 229
general election therefor. 230

The foregoing provisions of this section shall be 231
self-executing except as herein otherwise provided. 232

ARTICLE XVII

Section 2. Any Except as otherwise provided in Article III of 233
this constitution, any vacancy which may occur in any elective 234
~~state office created by Article II or III or created by or~~ 235

~~pursuant to Article IV of this constitution shall be filled only 236
if and as provided in such articles. Any vacancy which may occur 237
in any elective state office not so created, shall be filled by 238
appointment by the Governor by a majority vote of the committee of 239
five qualified electors designated in the declaration of candidacy 240
or nominating petition of the person last elected to fill the 241
office until the disability is removed, or a successor elected and 242
qualified. Such successor shall be elected for the unexpired term 243
of the vacant office at the first general election in an even 244
numbered year that occurs more than forty days after the vacancy 245
has occurred; provided, that when the unexpired term ends within 246
one year immediately following the date of such general election, 247
an election to fill such unexpired term shall not be held and the 248
appointment shall be for such unexpired term. All vacancies in 249
other elective offices shall be filled for the unexpired term in 250
such manner as may be prescribed by this constitution or by law. 251~~

Section 3. Each political party, association of citizens, or 252
media organization may appoint not more than two election 253
observers at each location at which ballots are cast or counted. 254
However, the total number of observers appointed by associations 255
of citizens and media organizations at each location may be 256
limited to ten if each association of citizens or media 257
organization is permitted to appoint an equal number of 258
representatives. 259

EFFECTIVE DATE AND REPEAL 260

If adopted by a majority of the electors voting on this 261
proposal, Section 11 of Article II, Sections 1a and 17a of Article 262
III, Section 7 of Article V, Section 3 of Article VII, Section 4 263
of Article X, and Section 2 of Article XVII amended by this 264
proposal and Section 3 of Article XVII enacted by this proposal 265
take immediate effect and existing Section 11 of Article II, 266
existing Sections 1a and 17a of Article III, existing Section 7 of 267

Article V, existing Section 3 of Article VII, existing Section 4 268
of Article X, and existing Section 2 of Article XVII and Section 269
18 of Article III and Section 13 of Article IV of the Constitution 270
of the State of Ohio are repealed on that effective date. 271

SCHEDULE 1 272

The amendments to Section 11 of Article II, Section 17a of 273
Article III, Section 3 of Article VII, Section 4 of Article X, and 274
Section 2 of Article XVII and the repeal of Section 18 of Article 275
III and Section 13 of Article IV of the Constitution of the State 276
of Ohio first apply to vacancies for which the person last elected 277
by the electors to the office that has become vacant was nominated 278
after the effective date of the amendments. 279

SCHEDULE 2 280

The amendments to Section 11 of Article II and Section 7 of 281
Article V of the Constitution of the State of Ohio in part 282
substitute gender neutral for gender specific language. These 283
gender neutralizing amendments are not intended to make a 284
substantive change in the Constitution of the State of Ohio. The 285
gender neutral language is to be construed as a restatement of, 286
and substituted in a continuing way for, the corresponding gender 287
specific language existing prior to adoption of the gender 288
neutralizing amendments. 289