

As Introduced

**130th General Assembly
Regular Session
2013-2014**

S. J. R. No. 9

Senator Faber

**Cosponsors: Senators Widener, Patton, Obhof, Oelslager, Cafaro, Bacon,
Coley, Burke, Uecker, Peterson, Lehner, Beagle, LaRose, Hite**

JOINT RESOLUTION

Proposing to amend Section 4 of Article II, Section 1
20 of Article II, Section 31 of Article II, and 2
Section 6 of Article IV of the Constitution of the 3
State of Ohio and to enact Section 20a of Article 4
II of the Constitution of the State of Ohio to 5
establish the Public Office Compensation 6
Commission. 7

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

Be it resolved by the General Assembly of the State of Ohio, 8
three-fifths of the members elected to each house concurring 9
herein, that there shall be submitted to the electors of the 10
state, in the manner prescribed by law at a general election to be 11
held on May 5, 2015, a proposal to amend Section 4 of Article II, 12
Section 20 of Article II, Section 31 of Article II, and Section 6 13
of Article IV of the Constitution of the State of Ohio and to 14
enact Section 20a of Article II of the Constitution of the State 15
of Ohio to read as follows: 16

ARTICLE II

Section 4. No member of the general assembly shall, during 17
the term for which ~~he~~ the member was elected, unless during such 18

term ~~he~~ the member resigns therefrom, hold any public office under 19
the United States, or this state, or a political subdivision 20
thereof; but this provision does not extend to officers of a 21
political party, notaries public, or officers of the militia or of 22
the United States armed forces. 23

No member of the general assembly shall, during the term for 24
which ~~he~~ the member was elected, or for one year thereafter, be 25
appointed to any public office under this state, which office was 26
created ~~or the compensation of which was increased~~, during the 27
term for which ~~he~~ the member was elected. 28

Section 20. The General Assembly, in cases not provided for 29
in this constitution, shall fix the term of office of all officers 30
and the compensation of all non-elected officers; but no change 31
therein shall affect the salary of any non-elected officer during 32
~~his~~ the officer's existing term, unless the office be abolished. 33

Section 20a. (A) The Public Office Compensation Commission is 34
created. The Commission consists of the following nine voting 35
members: two members appointed by the Governor; two members 36
appointed by the President of the Senate; two members appointed by 37
the Speaker of the House of Representatives; one member appointed 38
by the Minority Leader of the Senate; one member appointed by the 39
Minority Leader of the House of Representatives; and one member 40
appointed by the Chief Justice of the Supreme Court. The following 41
are not eligible to be appointed as a member of the Commission: 42
(1) an officer or employee of the state or a political subdivision 43
of the state or a family member, as defined by law, of an officer 44
or employee of the state or a political subdivision of the state; 45
(2) an individual who, within twelve months before appointment, 46
was a candidate for election to a public office in the state; or 47
(3) an individual who engages during at least a portion of the 48
individual's time to actively advocate legislation on behalf of 49
another. 50

Terms of members of the Commission are for two years. Members 51
may not serve more than four consecutive terms. The Commission 52
chairperson shall be selected by majority vote of all members of 53
the Commission. Members are not entitled to compensation, but 54
shall be reimbursed for actual and necessary expenses incurred in 55
the performance of Commission duties. A vacancy among the members 56
of the Commission shall be filled in the manner prescribed for the 57
original appointment. 58

(B)(1) The Public Office Compensation Commission shall meet 59
each even-numbered year to review the current compensation of each 60
elected public official in the state. The Commission shall 61
consider such factors as are provided by law, including the amount 62
of compensation paid to similarly skilled individuals in the 63
private sector, the amount of compensation paid to individuals in 64
comparable elected public offices in other states, and the current 65
financial condition of and within Ohio. After completing its 66
review, the Commission, by vote of at least five of its members, 67
shall prepare a proposed compensation plan that sets forth the 68
compensation of each elected public official in the state. The 69
Commission shall prepare a report of its proposed compensation 70
plan and shall present the proposed compensation plan and report 71
at not less than three public hearings in the state in order to 72
obtain public input regarding the proposed compensation plan. 73
After conducting its public hearings, the Commission, by vote of 74
at least five of its members, shall issue a final compensation 75
plan that sets forth the compensation of each elected public 76
official in the state. The Commission shall prepare a report of 77
its final compensation plan not later than the last day of 78
December in each even-numbered year. 79

If a proposed or final compensation plan increases or 80
decreases the compensation amount of an elected public official by 81
greater than the lesser of the following, the Commission shall 82

include, in its accompanying report, specific factors that support 83
the increase or decrease: 84

(a) Three per cent; or 85

(b) The percentage increase, if any, in the consumer price 86
index, or a generally available comparable index, over the 87
twelve-month period that ends on the thirtieth day of September of 88
the immediately preceding year, rounded to the nearest one-tenth 89
of one per cent. 90

(2) The compensation amounts set forth in the final 91
compensation plan for each elected public official in the state 92
take effect on the first day of July of the following odd-numbered 93
year unless, before that day, the General Assembly, by a 94
three-fifths vote of the members elected to each house, adopts a 95
concurrent resolution rejecting one or more of the compensation 96
amounts. 97

If the General Assembly rejects a final compensation plan or 98
portion thereof, a member of the General Assembly is not entitled 99
to an increase in compensation for the duration of the member's 100
term of office. 101

Section 31. The members and officers of the General Assembly 102
shall receive a fixed compensation, ~~to be prescribed by law, and~~ 103
~~no other allowance or perquisites, either in the payment of~~ 104
~~postage or otherwise; and no change in their compensation shall~~ 105
~~take effect during their term of office~~ as provided for in Article 106
II, Section 20a of this constitution. 107

ARTICLE IV

Section 6. (A)(1) The chief justice and the justices of the 108
supreme court shall be elected by the electors of the state at 109
large, for terms of not less than six years. 110

(2) The judges of the courts of appeals shall be elected by 111

the electors of their respective appellate districts, for terms of 112
not less than six years. 113

(3) The judges of the courts of common pleas and the 114
divisions thereof shall be elected by the electors of the 115
counties, districts, or, as may be provided by law, other 116
subdivisions, in which their respective courts are located, for 117
terms of not less than six years, and each judge of a court of 118
common pleas or division thereof shall reside during ~~his~~ the 119
judge's term of office in the county, district, or subdivision in 120
which ~~his~~ the judge's court is located. 121

(4) Terms of office of all judges shall begin on the days 122
fixed by law, and laws shall be enacted to prescribe the times and 123
mode of their election. 124

(B) The judges of the supreme court, courts of appeals, 125
courts of common pleas, and divisions thereof, and of all courts 126
of record established by law, shall, at stated times, receive, for 127
their services such compensation as ~~may be provided by law, which~~ 128
~~shall not be diminished during their term of office~~ for in Article 129
II, Section 20a of this constitution. The compensation of all 130
judges of the supreme court, except that of the chief justice, 131
shall be the same. The compensation of all judges of the courts of 132
appeals shall be the same. Common pleas judges and judges of 133
divisions thereof, and judges of all courts of record established 134
by law shall receive such compensation as ~~may be provided by law~~ 135
for in Article II, Section 20a of this constitution. Judges shall 136
receive no fees or perquisites, nor hold any other office of 137
profit or trust, under the authority of this state, or of the 138
United States. All votes for any judge, for any elective office, 139
except a judicial office, under the authority of this state, given 140
by the general assembly, or the people shall be void. 141

(C) No person shall be elected or appointed to any judicial 142
office if on or before the day when ~~he~~ the person shall assume the 143

office and enter upon the discharge of its duties ~~he~~ the person 144
shall have attained the age of seventy years. Any voluntarily 145
retired judge, or any judge who is retired under this section, may 146
be assigned with ~~his~~ the judge's consent, by the chief justice or 147
acting chief justice of the supreme court to active duty as a 148
judge and while so serving shall receive the established 149
compensation for such office, computed upon a per diem basis, in 150
addition to any retirement benefits to which ~~he~~ the judge may be 151
entitled. Laws may be passed providing retirement benefits for 152
judges. 153

EFFECTIVE DATE AND REPEAL 154

If adopted by a majority of the electors voting on this 155
proposal, Section 4 of Article II, Section 20 of Article II, 156
Section 31 of Article II, and Section 6 of Article IV of the 157
Constitution of the State of Ohio as amended by this proposal and 158
Section 20a of Article II of the Constitution of the State of Ohio 159
shall take effect immediately and existing Section 4 of Article 160
II, Section 20 of Article II, Section 31 of Article II, and 161
Section 6 of Article IV of the Constitution of the State of Ohio 162
is repealed effective immediately. 163

SCHEDULE I 164

The Public Office Compensation Commission shall meet in 2015 165
to review the current compensation of each elected public official 166
in the state. The Commission shall issue a proposed compensation 167
plan and final compensation plan, and the accompanying reports, 168
not later than December 31, 2015, in accordance with the process 169
in Article II, Section 20a of the Constitution. 170

The compensation amounts set forth in the final compensation 171
plan for each elected public official in the state shall take 172
effect on July 1, 2016, unless, before that day, the General 173
Assembly, by a three-fifths vote of the members elected to each 174
house, adopts a concurrent resolution rejecting one or more of the 175

compensation amounts. 176

If the General Assembly rejects a final compensation plan or 177
portion thereof, a member of the General Assembly is not entitled 178
to an increase in compensation for the duration of the member's 179
term. 180

SCHEDULE II 181

Some of the proposed amendments to Ohio Constitution, Article 182
II, Sections 4 and 20, and Article IV, Section 6, replace gender 183
specific language with gender neutral language. These amendments 184
are not intended to make substantive changes in the Ohio 185
Constitution. The gender neutral language shall be interpreted as 186
a restatement of, and substituted in a continuing way for, the 187
corresponding gender specific language existing prior to adoption 188
of the proposal. 189