

**As Reported by the Senate State Government Oversight and
Reform Committee**

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

Sub. 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, 2
Section 19 of Article III, and Section 6 of 3
Article IV of the Constitution of the State of 4
Ohio and to enact Section 20a of Article II of the 5
Constitution of the State of Ohio to establish the 6
Public Office Compensation 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 special 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, Section 19 of 13
Article III, and Section 6 of Article IV of the Constitution of 14
the State of Ohio and to enact Section 20a of Article II of the 15
Constitution of the State 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 III

Section 19. The officers mentioned in this article shall, at 108
stated times, receive, for their services, a compensation ~~to be~~ 109
~~established by law, which shall neither be increased nor~~ 110

~~diminished during the period for which they shall have been~~ 111
~~elected as provided for in Article II, Section 20a of this~~ 112
~~constitution.~~ 113

ARTICLE IV

Section 6. (A)(1) The chief justice and the justices of the 114
supreme court shall be elected by the electors of the state at 115
large, for terms of not less than six years. 116

(2) The judges of the courts of appeals shall be elected by 117
the electors of their respective appellate districts, for terms of 118
not less than six years. 119

(3) The judges of the courts of common pleas and the 120
divisions thereof shall be elected by the electors of the 121
counties, districts, or, as may be provided by law, other 122
subdivisions, in which their respective courts are located, for 123
terms of not less than six years, and each judge of a court of 124
common pleas or division thereof shall reside during ~~his~~ the 125
judge's term of office in the county, district, or subdivision in 126
which ~~his~~ the judge's court is located. 127

(4) Terms of office of all judges shall begin on the days 128
fixed by law, and laws shall be enacted to prescribe the times and 129
mode of their election. 130

(B) The judges of the supreme court, courts of appeals, 131
courts of common pleas, and divisions thereof, and of all courts 132
of record established by law, shall, at stated times, receive, for 133
their services such compensation as ~~may be provided by law, which~~ 134
~~shall not be diminished during their term of office~~ for in Article 135
II, Section 20a of this constitution. The compensation of all 136
judges of the supreme court, except that of the chief justice, 137
shall be the same. The compensation of all judges of the courts of 138
appeals shall be the same. Common pleas judges and judges of 139

divisions thereof, and judges of all courts of record established 140
by law shall receive such compensation as ~~may be provided by law~~ 141
for in Article II, Section 20a of this constitution. Judges shall 142
receive no fees or perquisites, nor hold any other office of 143
profit or trust, under the authority of this state, or of the 144
United States. All votes for any judge, for any elective office, 145
except a judicial office, under the authority of this state, given 146
by the general assembly, or the people shall be void. 147

(C) No person shall be elected or appointed to any judicial 148
office if on or before the day when ~~he~~ the person shall assume the 149
office and enter upon the discharge of its duties ~~he~~ the person 150
shall have attained the age of seventy years. Any voluntarily 151
retired judge, or any judge who is retired under this section, may 152
be assigned with ~~his~~ the judge's consent, by the chief justice or 153
acting chief justice of the supreme court to active duty as a 154
judge and while so serving shall receive the established 155
compensation for such office, computed upon a per diem basis, in 156
addition to any retirement benefits to which ~~he~~ the judge may be 157
entitled. Laws may be passed providing retirement benefits for 158
judges. 159

EFFECTIVE DATE AND REPEAL 160

If adopted by a majority of the electors voting on this 161
proposal, Section 4 of Article II, Section 20 of Article II, 162
Section 31 of Article II, Section 19 of Article III, and Section 6 163
of Article IV of the Constitution of the State of Ohio as amended 164
by this proposal and Section 20a of Article II of the Constitution 165
of the State of Ohio shall take effect immediately and existing 166
Section 4 of Article II, Section 20 of Article II, Section 31 of 167
Article II, Section 19 of Article III, and Section 6 of Article IV 168
of the Constitution of the State of Ohio are repealed effective 169
immediately. 170

SCHEDULE I 171

The Public Office Compensation Commission shall meet in 2015 172
to review the current compensation of each elected public official 173
in the state. The Commission shall issue a proposed compensation 174
plan and final compensation plan, and the accompanying reports, 175
not later than December 31, 2015, in accordance with the process 176
in Article II, Section 20a of the Constitution. 177

The compensation amounts set forth in the final compensation 178
plan for each elected public official in the state shall take 179
effect on July 1, 2016, unless, before that day, the General 180
Assembly, by a three-fifths vote of the members elected to each 181
house, adopts a concurrent resolution rejecting one or more of the 182
compensation amounts. 183

If the General Assembly rejects a final compensation plan or 184
portion thereof, a member of the General Assembly is not entitled 185
to an increase in compensation for the duration of the member's 186
term of office. 187

SCHEDULE II 188

Some of the proposed amendments to Ohio Constitution, Article 189
II, Sections 4 and 20, and Article IV, Section 6, replace gender 190
specific language with gender neutral language. These amendments 191
are not intended to make substantive changes in the Ohio 192
Constitution. The gender neutral language shall be interpreted as 193
a restatement of, and substituted in a continuing way for, the 194
corresponding gender specific language existing prior to adoption 195
of the proposal. 196