



Ohio Legislative Service Commission

Resolution Analysis

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H.J.R. 8

130th General Assembly
(As Introduced)

Rep. Becker

RESOLUTION SUMMARY

State offices

- Extends the maximum number of successive terms for which a person may hold the office of State Senator to three successive terms of four years.
- Extends the maximum number of successive terms for which a person may hold the office of State Representative to six successive terms of two years.
- Prohibits a person from holding the office of President of the Senate or Speaker of the House of Representatives for a period longer than eight successive years.
- Prohibits a person from holding certain elected or appointed state offices for a period longer than 12 successive years, but retains existing eight-year term limits for Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Attorney General, and Auditor of State.

Local offices

- Prohibits a person from holding an elective office or an elected or appointed seat on a board or commission of a county, township, municipality, or other political subdivision for a period longer than 12 successive years.
- Permits a municipal or county charter adopted under the Ohio Constitution to specify a shorter maximum period of successive years during which a person may hold such a municipal or county office.

Calculation of time spent in office

- Adds references to appointed officers to, but otherwise retains, the Constitution's current provisions concerning the manner in which an officer's time spent in office must be calculated for the purpose of term limits.
- Specifies generally that years are considered successive unless they are separated by a period of four or more years.

Application to current officeholders

- Specifies that the term limits created by the proposal, except for the provision of the proposal that extends the term limits for members of the General Assembly, first apply to an officer when the officer begins a new term of office on or after the effective date of the proposal.

Repeal of provisions concerning congressional term limits

- Eliminates the current provisions of the Ohio Constitution, which are unenforceable under the U.S. Constitution, that specify term limits for Ohio's congressional delegation.

Date proposal scheduled to appear on the ballot

- May 6, 2014.

CONTENT AND OPERATION

The resolution proposes an amendment to the Ohio Constitution to institute term limits for certain state and local elected and appointed officials and to modify the term limits that currently apply to members of the General Assembly.

State offices

Members of the General Assembly

The proposal extends from eight to 12 years the maximum period during which a person may hold the office of State Senator or Representative. No person may hold the office of State Senator for longer than three, instead of two, successive terms of four years. And, no person may hold the office of State Representative for longer than six, instead of four, successive terms of two years. Under continuing law, terms must be considered successive unless they are separated by a period of four or more years.



The proposal also prohibits a person from holding the office of President of the Senate or Speaker of the House of Representatives for a period longer than eight successive years. Years are considered successive unless they are separated by a period of four or more years. The Ohio Constitution currently does not specify how long a senator or representative may serve as President of the Senate or Speaker of the House of Representatives, but senators and representatives are subject to the general term limits.¹

Other state offices

Under the proposal, a person is prohibited from holding the following elected or appointed state offices for a period longer than 12 successive years:²

- A judicial office, including the office of a retired judge who serves on active duty (a retired judge may serve on active duty only if the judge has not served in a judicial office during the past four years);
- The office of member of the State Board of Education;
- The office of member of the Ohio Livestock Care Standards Board, except for the Director of Agriculture and the State Veterinarian, who serve as members of the Board by virtue of holding those positions and are not subject to term limits; and
- Any other elected or appointed member of a state board or commission.

Statewide offices subject to continuing term limits

The Ohio Constitution continues to specify that no person may hold the office of Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Attorney General, or Auditor of State for a period longer than two successive terms of four years. Terms are considered successive unless they are separated by a period of four or more years.³

¹ Art. II, Secs. 2 and 7.

² Art. IV, Sec. 6; Art. V, Secs. 8 and 9; Art. VI, Sec. 4; and Art. XIV, Sec. 1.

³ Art. III, Sec. 2 (not in the resolution).



Local offices

The proposal generally prohibits a person from holding local offices for a period longer than 12 successive years. The following offices are subject to the proposal's term limits:⁴

- An elective office of a county, township, municipality, or other political subdivision;
- An elected or appointed position as a member of a board or commission of a county, township, municipality, or other political subdivision;
- The office of member of a board of education; and
- A judicial office, including the office of a retired judge who serves on active duty.

However, under the proposal, a municipal or county charter adopted under the Ohio Constitution may specify a shorter maximum period of successive years during which a person may hold such a municipal or county office.⁵

Calculation of time spent in office

Partial terms of office

The proposal adds references to appointed officers to, but otherwise retains, the Constitution's current provisions concerning the manner in which an officer's time spent in office must be calculated for the purpose of term limits. Time spent in an office in fulfillment of a term to which another person was first elected or appointed does not count toward an officer's term limit, provided that, if the officer previously held that office, a period of at least four years must have passed between the time the officer previously held that office and the time the officer is elected or appointed to fulfill the unexpired term. Further, a person who is elected to an office in a regularly scheduled general election or who is appointed to an office at the beginning of a term and resigns prior to the completion of that term is considered to have served the full term in that office.⁶

⁴ Art. IV, Sec. 6; Art. V, Sec. 8; Art. VI, Sec. 3; Art. X, Sec. 5(A); and Art. XVIII, Sec. 15(A).

⁵ Art. X, Sec. 5(B) and Art. XVIII, Sec. 15(B).

⁶ Art. III, Sec. 2 (not in the resolution) and Art. V, Sec. 9.



Calculation of successive years

Each provision in the resolution proposing to establish new term limits specifies the number of successive years an officer may hold the office. In each case, the resolution states that years must be considered successive unless separated by a period of four or more years.⁷

Application to current officeholders

The proposal specifies that the term limits it creates, except for the extension of term limits for members of the General Assembly, first apply to an officer when the officer begins a new term of office on or after the effective date of the proposal.⁸ The proposal also removes language that specified the date on which the General Assembly term limits that were adopted in 1992 first applied.⁹

Repeal of provisions concerning congressional term limits

The proposal eliminates the current provisions of the Ohio Constitution that prohibit a person from holding the office of U.S. Senator from Ohio for a period longer than two successive terms of six years and from holding the office of U.S. Representative from Ohio for a period longer than four successive terms of two years.¹⁰ These provisions are not being enforced because the U.S. Supreme Court has ruled that the U.S. Constitution prevents the states from imposing additional qualifications, including term limits, on members of Congress.¹¹

Date proposal scheduled to appear on the ballot

The resolution requires the proposal to be placed on the ballot at a special election to be held on May 6, 2014, which is the date of the regularly scheduled primary election.

⁷ Art. II, Sec. 7; Art. IV, Sec. 6; At. V, Sec. 8; Art. VI, Secs. 3 and 4; Art. V, Sec. 5; Art. XIV, Sec. 1; and Art. XVIII, Sec. 15.

⁸ Schedule 1 of the resolution.

⁹ Art. II, Sec. 2.

¹⁰ Repeal of Art. V, Sec. 8.

¹¹ *U.S. Term Limits v. Thornton*, 514 U.S. 779 (1995).



Effective date

If a majority of the voters adopt the proposal, it takes effect immediately.

HISTORY

ACTION	DATE
Introduced	10-24-13

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