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S.J.R. 1
135th General Assembly

Resolution Analysis

Version: As Introduced

Primary Sponsors: Sens. Rulli and McColley

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SUMMARY

- Applies for a federal convention of the states for the purpose of proposing an amendment to the U.S. Constitution to institute term limits for members of Congress.
- Specifies that the application is valid only for the purpose of a convention that is limited to considering congressional term limits.

DETAILED ANALYSIS

Application for a convention of the states

The resolution applies to Congress for a convention of the states¹ for the purpose of proposing an amendment to the U.S. Constitution to institute term limits for members of Congress. The resolution states that the application should be aggregated with other state applications for a convention on term limits, but not with any applications on any other subject.

Article V of the U.S. Constitution requires Congress to call a convention upon the application of the legislatures of at least two-thirds of the states. Then, in order for any amendments proposed by the convention to take effect, the states must ratify them using one of two methods (Congress decides which method will be used): (1) approval by three-fourths of the state legislatures or (2) approval of ratifying conventions in three-fourths of the states.

The U.S. Constitution does not specify how a convention to propose amendments to the U.S. Constitution must be conducted or how its delegates are to be chosen. Further, the Constitution does not indicate whether the states that apply for a convention may limit the scope of amendments the convention is to propose. A convention of the states has never been held under Article V. If Congress called a convention as a result of the resolution and others like

¹ U.S. Constitution, Article V.

it, and the convention proposed amendments not related to congressional term limits, it is not clear whether a reviewing court would find the proposed amendments valid.

Transmittal of the resolution

The resolution directs the Clerk of the Senate to transmit copies of the resolution to the President and Secretary of the U.S. Senate, to the Speaker and Clerk of the U.S. House of Representatives, to the Chairperson of the U.S. House Judiciary Committee, and to each member of the Ohio congressional delegation. The resolution also requires the Clerk to transmit copies of the resolution to the presiding officers of each state legislature, requesting their cooperation.

Background on congressional term limits

In 1992, the voters approved an amendment to the Ohio Constitution that instituted term limits for Ohio's members of Congress – two successive terms of six years in the U.S. Senate and four successive terms of two years in the U.S. House of Representatives. Separate amendments placed on the ballot at the same election, which also passed, imposed term limits for members of the General Assembly and the Lieutenant Governor, Secretary of State, Treasurer of State, Attorney General, and Auditor of State. (The Governor already was subject to term limits.)²

However, those congressional term limits are not being enforced. The U.S. Supreme Court ruled in 1995 that the states have no authority to change the qualifications for members of Congress, as outlined in the U.S. Constitution. Congressional term limits may be enacted only through an amendment to the U.S. Constitution.³

HISTORY

Action	Date
Introduced	02-28-23

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² Ohio Constitution, Article V, Section 8. See also Ohio Const., art. II, sec. 2; art. III, sec. 2; and art. V, sec. 9.

³ *U.S. Term Limits v. Thornton*, 514 U.S. 779 (1995).