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H.J.R. 1*
135th General Assembly

Resolution Analysis

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Version: As Reported by House Constitutional Resolutions

Primary Sponsor: Rep. Stewart

S. Ben Fogle, Attorney

SUMMARY

- Proposes an amendment to the Ohio Constitution, to appear on the ballot at an August 8, 2023, special election.
- Requires any future constitutional amendment to be approved by at least 60% of the voters.
- Eliminates the ten-day cure period to gather additional signatures for an initiative petition proposing a constitutional amendment.
- Requires an initiative petition proposing an amendment to the Constitution to have petitions bearing the signatures of at least 5% of the electors of each county in the state, instead of half of the counties.

DETAILED ANALYSIS

Approval threshold for constitutional amendments

The resolution proposes an amendment to the Ohio Constitution. Under the proposal, any future constitutional amendment must be approved by at least 60% of the voters voting on the amendment, instead of by a simple majority of voters voting on the amendment (50% plus one vote) as currently required under the Constitution. This requirement would apply to any constitutional amendment, whether proposed by initiative petition, by the General Assembly, or by a constitutional convention.¹

* This analysis was prepared before the report of the House Constitutional Resolutions Committee appeared in the House Journal. Note that the legislative history may be incomplete.

¹ Ohio Constitution, Article II, Section 1b and art. XVI, secs. 1 and 3; conforming changes in art. II, secs. 1e and 1g.

The resolution places the proposal on the ballot at an August 8, 2023, special election. Because the Revised Code does not provide for special elections to be held in August for this purpose, the General Assembly might need to enact separate legislation to allow for the special election.²

If the proposal is approved by a majority vote of the electors, it takes effect immediately and applies to any constitutional amendment appearing on the ballot at a later election. For more information about the current procedures for amending the Ohio Constitution, see LSC's Members Brief, [Statewide Ballot Issues \(PDF\)](#).³

Initiative petition procedures

In addition, the resolution proposes two changes to initiative petition procedures, specifically only for initiative petitions proposing amendments to the Constitution.

First, the resolution proposes to eliminate the ten-day cure period to cure insufficient petitions by gathering more signatures. The current Constitution permits petitioners, if the petition is found to have insufficient signatures, ten days to collect additional signatures. This currently applies to initiative petitions proposing new laws, referendum petitions, and initiative petitions proposing amendments to the Constitution. The resolution proposes to remove the cure period for initiative petitions proposing amendments to the Constitution, but maintains the cure period for other petitions.⁴

Second, the resolution proposes to require, for initiative petitions proposing a constitutional amendment, to have signatures from at least 5% of electors (from the total vote cast for the office of Governor in that county at the last gubernatorial election) in all 88 counties in Ohio, rather than 5% from at least half (44) of the counties, as is currently required.⁵ The resolution maintains the current requirements for initiative petitions proposing new laws and for referendum petitions.

² R.C. 3501.01(D) and 3501.022. See also Ohio Const., art. II, sec. 15 (specifying that the General Assembly “shall enact no law except by bill”) and *State ex rel. Foreman v. Brown*, 10 Ohio St.2d 139, 142 (1967) (suggesting that the legislature might not need to enact separate legislation for this purpose).

³ Available on LSC's website, lsc.ohio.gov, under “Publications,” “Members Briefs.”

⁴ Ohio Const., art. II, sec. 1g.

⁵ Ohio Const., art. II, sec. 1g. The total amount of signatures must still equal at least 10% of the electors from the total vote cast for Governor at the most recent gubernatorial election.

HISTORY

Action	Date
Introduced	02-15-23
Reported, H. Constitutional Resolutions	---
