

134th General Assembly  
Regular Session  
2021-2022

Sub. H. J. R. No. 6

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**A JOINT RESOLUTION**

Proposing to amend Sections 1b, 1e, and 1g of Article II 1  
and Sections 1 and 3 of Article XVI of the 2  
Constitution of the State of Ohio to require a vote of 3  
at least 60% of the electors to approve any 4  
constitutional amendment. 5

Be it resolved by the General Assembly of the State of 6  
Ohio, three-fifths of the members elected to each house 7  
concurring herein, that there shall be submitted to the electors 8  
of the state, in the manner prescribed by law at a special 9  
election to be held on May 2, 2023, a proposal to amend Sections 10  
1b, 1e, and 1g of Article II and Sections 1 and 3 of Article XVI 11  
of the Constitution of the State of Ohio to read as follows: 12

**ARTICLE II** 13

**Section 1b.** When at any time, not less than ten days prior 14  
to the commencement of any session of the general assembly, 15  
there shall have been filed with the secretary of state a 16  
petition signed by three per centum of the electors and verified 17  
as herein provided, proposing a law, the full text of which 18  
shall have been set forth in such petition, the secretary of 19



state shall transmit the same to the general assembly as soon as 20  
it convenes. If said proposed law shall be passed by the general 21  
assembly, either as petitioned for or in an amended form, it 22  
shall be subject to the referendum. If it shall not be passed, 23  
or if it shall be passed in an amended form, or if no action 24  
shall be taken thereon within four months from the time it is 25  
received by the general assembly, it shall be submitted by the 26  
secretary of state to the electors for their approval or 27  
rejection, if such submission shall be demanded by supplementary 28  
petition verified as herein provided and signed by not less than 29  
three per centum of the electors in addition to those signing 30  
the original petition, which supplementary petition must be 31  
signed and filed with the secretary of state within ninety days 32  
after the proposed law shall have been rejected by the general 33  
assembly or after the expiration of such term of four months, if 34  
no action has been taken thereon, or after the law as passed by 35  
the general assembly shall have been filed by the governor in 36  
the office of the secretary of state. The proposed law shall be 37  
submitted at the next regular or general election occurring 38  
subsequent to one hundred twenty-five days after the 39  
supplementary petition is filed in the form demanded by such 40  
supplementary petition, which form shall be either as first 41  
petitioned for or with any amendment or amendments which may 42  
have been incorporated therein by either branch or by both 43  
branches, of the general assembly. If a proposed law so 44  
submitted is approved by a majority of the electors voting 45  
thereon, it shall be the law and shall go into effect as herein 46  
provided in lieu of any amended form of said law which may have 47  
been passed by the general assembly, and such amended law passed 48  
by the general assembly shall not go into effect until and 49  
unless the law proposed by supplementary petition shall have 50  
been rejected by the electors. All such initiative petitions, 51

last above described, shall have printed across the top thereof, 52  
in case of proposed laws: "Law Proposed by Initiative Petition 53  
First to be Submitted to the General Assembly." Ballots shall be 54  
so printed as to permit an affirmative or negative vote upon 55  
each measure submitted to the electors. ~~Any~~ 56

~~Any proposed law or amendment to the constitution~~ 57  
submitted to the electors as provided in 1a and 1b, if approved 58  
by a majority of the electors voting thereon, shall take effect 59  
thirty days after the election at which it was approved and 60  
shall be published by the secretary of state. ~~If Any proposed~~ 61  
amendment to the constitution submitted to the electors as 62  
provided in sections 1a and 1b of this article, if approved by 63  
at least sixty per cent of the electors voting thereon, shall 64  
take effect thirty days after the election at which it was 65  
approved and shall be published by the secretary of state. 66

If conflicting proposed laws or conflicting proposed 67  
amendments to the constitution shall be approved at the same 68  
election by ~~a majority of the total~~ the required number of votes 69  
~~cast for and against the same~~, the one receiving the highest 70  
number of affirmative votes shall be the law, or in the case of 71  
amendments to the constitution shall be the amendment to the 72  
constitution. ~~No~~ 73

No law proposed by initiative petition and approved by the 74  
electors shall be subject to the veto of the governor. 75

**Section 1e.** (A) The powers defined herein as the 76  
"initiative" and "referendum" shall not be used to pass a law 77  
authorizing any classification of property for the purpose of 78  
levying different rates of taxation thereon or of authorizing 79  
the levy of any single tax on land or land values or land sites 80  
at a higher rate or by a different rule than is or may be 81

applied to improvements thereon or to personal property. 82

(B) (1) Restraint of trade or commerce being injurious to 83  
this state and its citizens, the power of the initiative shall 84  
not be used to pass an amendment to this constitution that would 85  
grant or create a monopoly, oligopoly, or cartel, specify or 86  
determine a tax rate, or confer a commercial interest, 87  
commercial right, or commercial license to any person, nonpublic 88  
entity, or group of persons or nonpublic entities, or any 89  
combination thereof, however organized, that is not then 90  
available to other similarly situated persons or nonpublic 91  
entities. 92

(2) If a constitutional amendment proposed by initiative 93  
petition is certified to appear on the ballot and, in the 94  
opinion of the Ohio ballot board, the amendment would conflict 95  
with division (B) (1) of this section, the board shall prescribe 96  
two separate questions to appear on the ballot, as follows: 97

(a) The first question shall be as follows: 98

"Shall the petitioner, in violation of division (B) (1) of 99  
Section 1e of Article II of the Ohio Constitution, be authorized 100  
to initiate a constitutional amendment that grants or creates a 101  
monopoly, oligopoly, or cartel, specifies or determines a tax 102  
rate, or confers a commercial interest, commercial right, or 103  
commercial license that is not available to other similarly 104  
situated persons?" 105

(b) The second question shall describe the proposed 106  
constitutional amendment. 107

(c) If both questions are approved or affirmed by a ~~majority~~ 108  
majority at least sixty per cent of the electors voting on them, 109  
then the constitutional amendment shall take effect. If only one 110

question is approved or affirmed by ~~a majority at least sixty~~  
per cent of the electors voting on it, then the constitutional  
amendment shall not take effect.

(3) If, at the general election held on November 3, 2015,  
the electors approve a proposed constitutional amendment that  
conflicts with division (B)(1) of this section with regard to  
the creation of a monopoly, oligopoly, or cartel for the sale,  
distribution, or other use of any federal Schedule I controlled  
substance, then notwithstanding any severability provision to  
the contrary, that entire proposed constitutional amendment  
shall not take effect. If, at any subsequent election, the  
electors approve a proposed constitutional amendment that was  
proposed by an initiative petition, that conflicts with division  
(B)(1) of this section, and that was not subject to the  
procedure described in division (B)(2) of this section, then  
notwithstanding any severability provision to the contrary, that  
entire proposed constitutional amendment shall not take effect.

(C) The supreme court of Ohio shall have original,  
exclusive jurisdiction in any action that relates to this  
section.

**Section 1g.** Any initiative, supplementary, or referendum  
petition may be presented in separate parts but each part shall  
contain a full and correct copy of the title, and text of the  
law, section or item thereof sought to be referred, or the  
proposed law or proposed amendment to the constitution. Each  
signer of any initiative, supplementary, or referendum petition  
must be an elector of the state and shall place on such petition  
after his name the date of signing and his place of residence. A  
signer residing outside of a municipality shall state the county  
and the rural route number, post office address, or township of  
his residence. A resident of a municipality shall state the

street and number, if any, of his residence and the name of the 142  
municipality or post office address. The names of all signers to 143  
such petitions shall be written in ink, each signer for himself. 144  
To each part of such petition shall be attached the statement of 145  
the circulator, as may be required by law, that he witnessed the 146  
affixing of every signature. The secretary of state shall 147  
determine the sufficiency of the signatures not later than one 148  
hundred five days before the election. 149

The Ohio supreme court shall have original, exclusive 150  
jurisdiction over all challenges made to petitions and 151  
signatures upon such petitions under this section. Any challenge 152  
to a petition or signature on a petition shall be filed not 153  
later than ninety-five days before the day of the election. The 154  
court shall hear and rule on any challenges made to petitions 155  
and signatures not later than eighty-five days before the 156  
election. If no ruling determining the petition or signatures to 157  
be insufficient is issued at least eighty-five days before the 158  
election, the petition and signatures upon such petitions shall 159  
be presumed to be in all respects sufficient. 160

If the petitions or signatures are determined to be 161  
insufficient, ten additional days shall be allowed for the 162  
filing of additional signatures to such petition. If additional 163  
signatures are filed, the secretary of state shall determine the 164  
sufficiency of those additional signatures not later than sixty- 165  
five days before the election. Any challenge to the additional 166  
signatures shall be filed not later than fifty-five days before 167  
the day of the election. The court shall hear and rule on any 168  
challenges made to the additional signatures not later than 169  
forty-five days before the election. If no ruling determining 170  
the additional signatures to be insufficient is issued at least 171  
forty-five days before the election, the petition and signatures 172

shall be presumed to be in all respects sufficient. 173

No law or amendment to the constitution submitted to the 174  
electors by initiative and supplementary petition and receiving 175  
~~an the required number of affirmative majority of the votes cast~~ 176  
~~thereon~~, shall be held unconstitutional or void on account of 177  
the insufficiency of the petitions by which such submission of 178  
the same was procured; nor shall the rejection of any law 179  
submitted by referendum petition be held invalid for such 180  
insufficiency. Upon all initiative, supplementary, and 181  
referendum petitions provided for in any of the sections of this 182  
article, it shall be necessary to file from each of one-half of 183  
the counties of the state, petitions bearing the signatures of 184  
not less than one-half of the designated percentage of the 185  
electors of such county. A true copy of all laws or proposed 186  
laws or proposed amendments to the constitution, together with 187  
an argument or explanation, or both, for, and also an argument 188  
or explanation, or both, against the same, shall be prepared. 189  
The person or persons who prepare the argument or explanation, 190  
or both, against any law, section, or item, submitted to the 191  
electors by referendum petition, may be named in such petition 192  
and the persons who prepare the argument or explanation, or 193  
both, for any proposed law or proposed amendment to the 194  
constitution may be named in the petition proposing the same. 195  
The person or persons who prepare the argument or explanation, 196  
or both, for the law, section, or item, submitted to the 197  
electors by referendum petition, or against any proposed law 198  
submitted by supplementary petition, shall be named by the 199  
general assembly, if in session, and if not in session then by 200  
the governor. The law, or proposed law, or proposed amendment to 201  
the constitution, together with the arguments and explanations, 202  
not exceeding a total of three hundred words for each, and also 203

the arguments and explanations, not exceeding a total of three 204  
hundred words against each, shall be published once a week for 205  
three consecutive weeks preceding the election, in at least one 206  
newspaper of general circulation in each county of the state, 207  
where a newspaper is published. The secretary of state shall 208  
cause to be placed upon the ballots, the ballot language for any 209  
such law, or proposed law, or proposed amendment to the 210  
constitution, to be submitted. The ballot language shall be 211  
prescribed by the Ohio ballot board in the same manner, and 212  
subject to the same terms and conditions, as apply to issues 213  
submitted by the general assembly pursuant to Section 1 of 214  
Article XVI of this constitution. The ballot language shall be 215  
so prescribed and the secretary of state shall cause the ballots 216  
so to be printed as to permit an affirmative or negative vote 217  
upon each law, section of law, or item in a law appropriating 218  
money, or proposed law, or proposed amendment to the 219  
constitution. The style of all laws submitted by initiative and 220  
supplementary petition shall be: "Be it Enacted by the People of 221  
the State of Ohio," and of all constitutional amendments: "Be it 222  
Resolved by the People of the State of Ohio." The basis upon 223  
which the required number of petitioners in any case shall be 224  
determined shall be the total number of votes cast for the 225  
office of governor at the last preceding election therefor. The 226  
foregoing provisions of this section shall be self-executing, 227  
except as herein otherwise provided. Laws may be passed to 228  
facilitate their operation, but in no way limiting or 229  
restricting either such provisions or the powers herein 230  
reserved. 231

**ARTICLE XVI** 232

**Section 1.** Either branch of the general assembly may 233  
propose amendments to this constitution; and, if the same shall 234



be agreed to by three-fifths of the members elected to each 235  
house, such proposed amendments shall be entered on the 236  
journals, with the yeas and nays, and shall be filed with the 237  
secretary of state at least ninety days before the date of the 238  
election at which they are to be submitted to the electors, for 239  
their approval or rejection. They shall be submitted on a 240  
separate ballot without party designation of any kind, at either 241  
a special or a general election as the general assembly may 242  
prescribe. 243

The ballot language for such proposed amendments shall be 244  
prescribed by a majority of the Ohio ballot board, consisting of 245  
the secretary of state and four other members, who shall be 246  
designated in a manner prescribed by law and not more than two 247  
of whom shall be members of the same political party. The ballot 248  
language shall properly identify the substance of the proposal 249  
to be voted upon. The ballot need not contain the full text nor 250  
a condensed text of the proposal. The board shall also prepare 251  
an explanation of the proposal, which may include its purpose 252  
and effects, and shall certify the ballot language and the 253  
explanation to the secretary of state not later than seventy- 254  
five days before the election. The ballot language and the 255  
explanation shall be available for public inspection in the 256  
office of the secretary of state. 257

The supreme court shall have exclusive, original 258  
jurisdiction in all cases challenging the adoption or submission 259  
of a proposed constitutional amendment to the electors. No such 260  
case challenging the ballot language, the explanation, or the 261  
actions or procedures of the general assembly in adopting and 262  
submitting a constitutional amendment shall be filed later than 263  
sixty-four days before the election. The ballot language shall 264  
not be held invalid unless it is such as to mislead, deceive, or 265

defraud the voters. 266

Unless the general assembly otherwise provides by law for 267  
the preparation of arguments for and, if any, against a proposed 268  
amendment, the board may prepare such arguments. 269

Such proposed amendments, the ballot language, the 270  
explanations, and the arguments, if any, shall be published once 271  
a week for three consecutive weeks preceding such election, in 272  
at least one newspaper of general circulation in each county of 273  
the state, where a newspaper is published. The general assembly 274  
shall provide by law for other dissemination of information in 275  
order to inform the electors concerning proposed amendments. An 276  
election on a proposed constitutional amendment submitted by the 277  
general assembly shall not be enjoined nor invalidated because 278  
the explanation, arguments, or other information is faulty in 279  
any way. If ~~the majority~~ at least sixty per cent of the electors 280  
voting on the same shall adopt such amendments the same shall 281  
become a part of the constitution. When more than one amendment 282  
shall be submitted at the same time, they shall be so submitted 283  
as to enable the electors to vote on each amendment, separately. 284

**Section 3.** At the general election to be held in the year 285  
one thousand nine hundred and thirty-two and in each twentieth 286  
year thereafter, the question: "Shall there be a convention to 287  
revise, alter, or amend the constitution", shall be submitted to 288  
the electors of the state; and in case a majority of the 289  
electors, voting for and against the calling of a convention, 290  
shall decide in favor of a convention, the general assembly, at 291  
its next session, shall provide, by law, for the election of 292  
delegates, and the assembling of such convention, as is provided 293  
in the preceding section; but no amendment of this constitution, 294  
agreed upon by any convention assembled in pursuance of this 295  
article, shall take effect, until the same shall have been 296

submitted to the electors of the state, and adopted by a— 297  
~~majority at least sixty per cent~~ of those voting thereon. 298

EFFECTIVE DATE 299

If adopted by a majority of the electors voting on this 300  
proposal, Sections 1b, 1e, and 1g of Article II and Sections 1 301  
and 3 of Article XVI of the Constitution of the State of Ohio 302  
amended by this proposal shall take effect immediately and the 303  
existing versions of Sections 1b, 1e, and 1g of Article II and 304  
the existing versions of Sections 1 and 3 of Article XVI of the 305  
Constitution of the State of Ohio shall be repealed effective 306  
immediately. 307