

Aligning the requirements for an initiated amendment with those for a General Assembly proposed amendment.

Language Change:

Add to the report and recommendation a proposed amendment to Article XVI of the Ohio Constitution as follows [current law in plain text, deleted language struck, new language underlined].

XVI.01 How constitution to be amended; ballot; Supreme Court to hear challenges

Either branch of the General Assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be filed with the secretary of state ~~at least ninety days before the date of the election at which they are to be submitted to the electors, for their approval or rejection.~~ The proposed amendments shall be submitted to the electors as if they were proposed by initiative pursuant to Article II, Section 1a(F) and 1a(G). They shall be submitted on a separate ballot without party designation of any kind, ~~at either a special or a general election as the General Assembly may prescribe.~~

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

The Supreme Court shall have exclusive, original jurisdiction in all cases challenging the adoption or submission of a proposed constitutional amendment to the electors. No such case challenging the ballot language, the explanation, or the actions or procedures of the General Assembly in adopting and submitting a constitutional amendment shall be filed later than sixty-four days before the election. The ballot language shall not be held invalid unless it is such as to mislead, deceive, or defraud the voters.

Unless the General Assembly otherwise provides by law for the preparation of arguments for and, if any, against a proposed amendment, the board may prepare such arguments.

Such proposed amendments, the ballot language, the explanations, and the arguments, if any, shall be published once a week for three consecutive weeks preceding such election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published. The General Assembly shall provide by law for other dissemination of information in order to inform the electors concerning proposed amendments. An election on a proposed constitutional amendment submitted by the general assembly shall not be enjoined nor invalidated because the explanation, arguments, or other information is faulty in any way. ~~If the majority of the electors voting on the same shall adopt such amendments~~ adopted pursuant to the procedure in Article II Section 1a(H) and 1a(I) the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately.

XVI.03 Question of constitutional convention to be submitted periodically

At the general election to be held in the year one thousand nine hundred and thirty-two, and in each twentieth year thereafter, the question: "Shall there be a convention to revise, alter, or amend the constitution[,]" shall be submitted to the electors of the state; and in case a majority of the electors, voting for and against the calling of a convention, shall decide in favor of a convention, the General Assembly, at its next session, shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding section; ~~but no amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect, until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon.~~ Any amendments proposed by the convention shall be submitted to and approved by the electors as if they were proposed by initiative pursuant to Article II, Section 1a(F), 1a(G), 1a(H), and 1a(I).

Effect:

This language, by cross referencing the Article II provisions would place the same procedure on general assembly proposed amendments and constitutional convention proposed amendments as initiative proposed amendments in three key ways: the timing of when it can appear; the votes needed for adoption; and the syncing of effective dates 30 days after approval.

Rationale:

The citizens' right to initiative should be considered equal to the General Assembly's ability to amend. This means they should be subject to the same requirements. The 30-day effective date is both for fairness and practicality if the amendment requires any preparation, adjustment, or notice to citizens after passage.