

Co-Chair
Vernon Sykes, Representative
34th House District



Co-Chair
William G. Batchelder, Speaker
69th House District

Witness Information Form

Please Complete the Witness Information Form Before Testifying

Date: 7/10/13

Name: Betsy Lupe Schuster

Organization (If Applicable): Ohio Secretary of State

Position/title: Chief Elections Counsel

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Are You Representing: Yourself _____ Organization X

Do You Wish to Testify On:

- Specific issue: _____
- Subject matter: _____

Do you have a written statement, visual aids, or other material to distribute?

Yes No _____

(If yes, please provide copies to the Chairman or Committee Clerk)

How much time will your testimony require? 20 min

- *Committee Chair may limit testimony in the interest of time*

Jon Husted

Ohio Secretary of State



Putting an Issue on the Ballot:

Procedures for Statewide Ballot Issues

Referendum

A referendum is a challenge to a bill recently passed by the Ohio General Assembly and signed into law by the Governor.

[Click here to learn more about the procedure for a referendum.](#)

Initiated Constitutional Amendment

An initiated constitutional amendment is identical to the concept of an initiated statute only rather than proposing a new law (or statute) the citizen is proposing an amendment to the Ohio Constitution. The Ohio General Assembly also has the power to place a constitutional amendment on the ballot via a joint resolution.

[Click here to learn more about the procedure for a citizen - initiated constitutional amendment.](#)

[Click here to learn more about the procedure for an amendment initiated by the General Assembly](#)

Initiated Statute

If a citizen feels that an issue is not addressed properly (or at all) in the Ohio Constitution and the Ohio Revised Code, they can follow the procedures outlined in the Ohio Constitution and the Ohio Revised Code to submit the proposed law (statute) to the people of Ohio for a statewide vote.

[Click here to learn more about the procedure for an initiated statute.](#)



What Is a Referendum?

A referendum is a process to stay a law recently enacted by the General Assembly until the law itself can be submitted to the voters for approval or rejection at a general election.

Matters not subject to referendum are (1) laws providing for tax levies, (2) appropriations for the current expenses of the state government and state institutions, and (3) emergency laws necessary for the immediate preservation of the public peace, health or safety (Ohio Constitution Article II, Section 1d).

Please note: This procedural outline is not legal advice and should not be relied upon as the sole source of information. Petitioners must comply with all applicable sections of the Ohio Constitution and the Ohio Revised Code.

Petitioners are encouraged to consult legal counsel.

Create Petitioners' Committee

Petitioners must designate a committee of three to five individuals to represent them in all matters relating to the petition.

Ohio Revised Code Section: 3519.02

File Initial Petition with Ohio Attorney General and Secretary of State

1. An initial written petition, signed by 1,000 Ohio registered voters, must be submitted to the Secretary of State with the full text and summary of the law or section of the law to be referred.
2. Within 10 business days of receiving the petition, the Secretary of State must verify the number of valid signatures and compare the full text of the law or section of the law with the law on file with the office. If the petition text is correct, the Secretary of State must certify.
3. On the same day or within one business day before or after the petition is filed with the Secretary of State, a copy of the petition with the full text and summary of the law or section of the law must be filed with the Attorney General.
4. Within 10 business days of receiving the petition, the Attorney General will certify if he or she believes the summary to be a *fair and truthful statement* of the law or section of law to be referred. If the Attorney General certifies the summary, petitioners can move on to the next step. If the Attorney General does not certify the summary, petitioners may start this process over.

Ohio Constitution: Article II, Section 1c

Ohio Revised Code Sections: 3501.05; 3519.01; 3519.05; 3505.062

Create Petitions and Gather Signatures

1. In order to begin gathering signatures, the petitioners must create a petition. It may be made up of part-petitions, but all separate part-petitions must be submitted at one time as one instrument.
2. Each part-petition must have the following heading: "*REFERENDUM PETITION To be submitted to the electors for their approval or rejection.*" This heading must be followed by the title, certified summary, and full text of the law or section of law to be referred.
3. Any person receiving compensation for supervising, managing, or otherwise organizing any effort to obtain signatures for a statewide petition must file a Form 15 with the office of the Secretary of State before circulating petitions. Any person compensating a person for supervising, managing, or otherwise organizing any effort to obtain signatures for a statewide referendum petition must also file a Form 15 with the office of the Secretary of State before any signatures are obtained.

Ohio Constitution: Article II, Section 1g
Ohio Revised Code Section: 3519.16

Signature or Petition Challenges

1. The Ohio Supreme Court has original, exclusive jurisdiction over all challenges made to petitions or individual signatures.
2. Any challenge to *original* petitions or signatures must be filed not later than 95 days before the election. The Supreme Court must rule on these challenges not later than 85 days before the election. If the Court does not rule prior to the 85th day before the election, the original signatures will be deemed sufficient.
3. Any challenge to *additional* signatures must be filed not later than 55 days before the election. The Supreme Court must rule on any challenges not later than 45 days before the election. If the Court does not rule prior to the 45th day before the election, those additional signatures will be deemed sufficient and the referendum with appear on the ballot.
4. If the Court determines that the petitioners do not have enough signatures the petition, the referendum will not move forward and will not be placed on the ballot.

Ohio Constitution: Article II, Section 1g
Ohio Revised Code Section: 3519.16

Ballot Language

1. The Ohio Secretary of State must pass the referendum on to the Ballot Board.
2. The Ohio Ballot Board must prescribe the ballot language for the referendum and certify it to the Secretary of State not later than 75 days before the election.

Ohio Constitution: Article II, Section 1g
Ohio Revised Code Section: 3505.062

Ballot Arguments

1. The committee named on the petition may prepare and file an argument and/or explanation in favor of the proposed referendum not later than the 80th day before the election. The General Assembly, or the Governor if the General Assembly is not in session, must name persons to prepare the argument and/or explanation in favor of the law to be referred. All arguments and/or explanations must be 300 words or less and must be filed with the Secretary of State not later than 80 days before the election.
2. If the committee or the persons named by the General Assembly or Governor fail to prepare or timely file the argument and/or explanation, the Secretary of State must notify the Ohio Ballot Board, which must prepare or designate a group to prepare the arguments and/or explanation. The argument and/or explanation must be filed with the Secretary of State not later than 75 days before the election.
3. The law to be referred together with the arguments and/or explanations must be published once a week for three consecutive weeks preceding the election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published.

Ohio Constitution: Article II, Section 1g
Ohio Revised Code Section: 3519.03

Effective Date

The law to be referred does not go into effect until it has been submitted to and approved by the voters.
Ohio Constitution: Article II, Section 1c

Signature Requirements

1. The total number of signatures on the petition must equal at least 10 percent of the total vote cast for the office of governor at the last gubernatorial election. The Secretary of State may not accept any petition for filing which does not purport to contain the minimum number of required signatures.
2. The signatures must have been obtained from at least 44 of the 88 counties in Ohio. From each of these 44 counties, there must be signatures equal to at least 5 percent of the total vote cast for the office of governor in that county at the last gubernatorial election.
3. Each petition signer must be a qualified elector of the state of Ohio and each petition must contain signatures of electors from only one county. If a petition contains signatures from electors in more than one county, the Secretary of State will determine which county has the majority of signatures and only the signatures from that county will be counted.
4. Each part-petition circulated in a county must be marked with the name of the county in which it was circulated, numbered sequentially, and sorted according to county.
5. When filing the petition with the Secretary of State, the committee must file an electronic copy of the petition and verification that the electronic copy is a true representation of the original, a summary of the number of part-petitions per county and the number of signatures on each part-petition, and an index of the electronic copy of the petition.

Ohio Constitution: Article II, Section 1a; Article II, Section 1g
Ohio Revised Code Sections: 3519.10; 3519.14; 3519.16; 3501.38

Filing Deadline and Filing Fee

1. Once the required number of signatures is collected, all petitions must be filed with the Secretary of State's office at the same time, not later than 125 days prior to the general election at which the proposed constitutional amendment is to be on the ballot.
2. A \$25 filing fee must be paid at the time of filing.
3. Petitions may be withdrawn if written notice is given to the Secretary of State by a majority of the committee members named to represent the petitioners. Notice must be given more than 70 business days before the proposed amendment is to appear on the ballot, and once withdrawn, it may not be resubmitted.

Ohio Constitution: Article II, Section 1a; Article II, Section 1g
Ohio Revised Code Sections: 3501.05; 3513.10; 3519.08

Signature Verification and Supplemental Signatures

1. The Secretary of State must determine the sufficiency of the signatures not later than 105 days before the election.
2. If any petitions or signatures are determined to be insufficient, the petitioners are permitted 10 additional days to collect and file additional signatures.
3. No additional signatures may be collected until the Secretary of State notifies the chairperson of the committee that the petition contains insufficient valid signatures and provides the committee with a unique, supplemental form. All additional signatures must be collected on the supplemental form.
4. The Secretary of State will determine the validity of additional signatures not later than 65 days before the election.

Ohio Constitution: Article II, Section 1g
Ohio Revised Code Section: 3519.16

Signature or Petition Challenges

1. The Ohio Supreme Court has original, exclusive jurisdiction over any and all challenges made to petitions or individual signatures.

What Is a Constitutional Amendment Initiated by the General Assembly?

The members of the General Assembly represent Ohio's voters in the legislative branch. They have the ability to pass a joint resolution which will appear as an issue on the general election ballot. Electors then have the option of voting for or against the issue. If the issue receives more than 50 percent of the vote, the issue will become a constitutional amendment.

Petitioners are encouraged to consult legal counsel.

Joint Resolution

1. Either branch of the General Assembly may propose amendments to the Ohio Constitution. Customarily, constitutional amendments are proposed by joint resolution.
2. A three-fifths vote in favor of the joint resolution is required for its passage.
3. The joint resolution must then be filed with the Secretary of State at least 90 days before the date of the election at which it is to be submitted to the electors, for their approval or rejection.

Ohio Constitution: Article XVI, Section 1

Ballot Language

1. The Secretary of State must pass the joint resolution on to the Ohio Ballot Board.
2. The Ohio Ballot Board must prescribe the ballot language and explanation for such proposed constitutional amendments and certify them to the Secretary of State not later than 75 days before the election.

Ohio Constitution: Article XVI, Section 1
Ohio Revised Code Section: 3505.062

Constitutional Amendment Challenges

1. The Ohio Supreme Court has original, exclusive jurisdiction in all cases challenging the adoption or submission of a proposed constitutional amendment to the electors.
2. Cases challenging the ballot language, the explanation, or the actions or procedures of the General Assembly in adopting and submitting a constitutional amendment must be filed not later than 64 days before the election.
3. Unless it misleads, deceives or defrauds the voters, the ballot language must not be held invalid.

Ohio Constitution: Article XVI, Section 1

Ballot Arguments

1. The General Assembly may appoint members who voted in support of the proposed constitutional amendment to prepare arguments in favor of it, and the General Assembly may appoint members who voted in opposition to the proposed constitutional amendment to prepare arguments against it. All arguments must be 300 words or less and must be filed with the Secretary of State not later than 80 days before the election.
2. If members of the General Assembly fail to prepare or timely file arguments, the Secretary of State must notify the Ohio Ballot Board, which must prepare the arguments or designate a group to do so. The arguments must be filed with the Secretary of State not later than 75 days before the election.
3. The proposed amendments, the ballot language, the explanations, and the arguments must 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

any effort to obtain signatures for a statewide petition must also file a Form 15 with the office of the Secretary of State before any signatures are obtained.

Ohio Constitution: Article II, Section 1g
Ohio Revised Code Sections: 3501.38; 3501.381; 3501.382; 3503.06; 3519.05; 3519.01

Signature Requirements

1. The total number of signatures on the petition must equal at least 3 percent of the total vote cast for the office of governor at the last gubernatorial election. The Secretary of State may not accept any petition for filing which does not purport to contain the minimum number of required signatures.
2. The signatures must have been obtained from at least 44 of the 88 counties in Ohio. From each of these 44 counties, there must be signatures equal to at least 1.5 percent of the total vote cast for the office of governor in that county at the last gubernatorial election.
3. Each petition-signer must be a qualified elector of the state of Ohio and each petition must contain signatures of electors from only one county. If a petition contains signatures from electors in more than one county, the Secretary of State will determine which county has the majority of signatures and only the signatures from that county will be counted.
4. Each part-petition circulated in a county must be marked with the name of the county in which it was circulated, numbered sequentially, and sorted according to county.
5. When filing the petition with the Secretary of State, the committee must file an electronic copy of the petition and verification that the electronic copy is a true representation of the original, a summary of the number of part-petitions per county and the number of signatures on each part-petition, and an index of the electronic copy of the petition.

Ohio Constitution: Article II, Section 1b; Article II, Section 1g
Ohio Revised Code Section: 3519.10; 3519.14; 3519.16; 3501.38

Additional Signatures

1. If any petitions or signatures are determined to be insufficient, the petitioners are permitted 10 additional days to collect and file additional signatures.
2. No additional signatures may be collected until the Secretary of State notifies the chairperson of the committee that the petition contains insufficient valid signatures and provides the committee with the unique, supplemental form. All additional signatures must be collected on the supplemental form.

Ohio Constitution: Article II, Section 1b; Article II, Section 1g
Ohio Revised Code Section: 3519.16

Filing Deadline and Filing Fee

1. The petition must be filed with the Secretary of State not less than 10 days prior to the commencement of any session of the Ohio General Assembly. Legislative sessions begin on the first Monday in January.
2. A \$25 filing fee must be paid at the time of filing.
3. Petitions may be withdrawn if written notice is given to the Secretary of State by a majority of the committee members named to represent the petitioners. Notice must be given more than 70 business days before the initiative is to appear on the ballot, and once withdrawn, it may not be resubmitted.
4. Upon receipt of the petition, the Secretary of State will send the proposal for a new law to the General Assembly as soon as it convenes.

Ohio Constitution: Article II, Section 1b
Ohio Revised Code Sections: 3501.05; 3513.10; 3519.08

Ballot Arguments

1. Members of the petitioners' committee may prepare and file an argument and/or explanation in favor of the proposed law. The General Assembly, or the Governor if the General Assembly is not in session, must name persons to prepare the argument and/or explanation against the proposed law. All arguments and/or explanations must be 300 words or less and must be filed with the Secretary of State not later than 80 days before the election.
2. If the petitioners' committee or persons named by the General Assembly or Governor fail to prepare or timely file the argument and/or explanation, the Secretary of State must notify the Ohio Ballot Board, which must prepare the argument and/or explanation or designate a group to do so. The argument and/or explanation must be filed with the Secretary of State not later than 75 days before the election.
3. The proposed law together with the arguments and/or explanations must be published once a week for three consecutive weeks preceding the election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published.

Ohio Constitution: Article II, Section 1g; Article XVI, Section 1

Ohio Revised Code Section: 3519.03

Effective Date

Any law approved by the majority of voters will become effective 30 days after the election.

Ohio Constitution: Article II, Section 1b

AMENDMENT AND LEGISLATION

PROPOSED CONSTITUTIONAL AMENDMENTS, INITIATED LEGISLATION, AND LAWS CHALLENGED BY REFERENDUM, SUBMITTED TO THE ELECTORS

Compiled through 1954 by

Arthur A. Schwartz

Director, Legislative Reference Bureau and
Brought up to date through 2012 by

Jon Husted

Secretary of State

(updated 1/24/13)

AMENDING THE CONSTITUTION

The people of Ohio participated directly in making their constitution, and it cannot be amended without their consent. In 1849 the General Assembly submitted to the people of the state a proposition to call a constitutional convention. A majority voted to do so. A constitutional convention was elected, it rewrote the constitution, and the new constitution was submitted to a vote of the people on June 17, 1851. Having received a majority vote, the new constitution went into effect on September 1, 1851, superseding Ohio's original constitution which had been adopted in 1802. The Constitution of 1851 has been amended many times since its adoption. Each of the procedures described below has been used.

CONSTITUTIONAL CONVENTION--A convention may be called to amend or revise the constitution, but any amendment or revision it proposes does not become effective unless adopted by the people by majority vote. There are two ways to call such a convention. First, it may be called at any time by a two-thirds vote of both houses of the General Assembly, which has never been done. Second, every twenty years a statewide election must be held on the question of calling a convention.

In 1871 the first election on this question was held, and the people voted for a convention, and consequently delegates were elected. This convention rewrote the constitution, but when the revised constitution was submitted to the people, they rejected it. In 1891 the people voted against calling a convention. In 1910 they voted to call a convention. The ensuing convention wrote 41 amendments, which were submitted to the people at the general election in November 1912. Thirty-three were adopted by the people, and eight were rejected. The 33 amendments amounted to a significant revision of the constitution. This was the last time, however, that the constitution was amended in this way. In 1932, 1952, 1972 and 1992, the people voted against calling a convention. The question will appear on the ballot again in 2012.

JOINT RESOLUTION--A second method of amending the constitution is for the General Assembly to pass a joint resolution proposing an amendment. Such a proposal becomes an effective amendment only if the people vote to accept it. The joint resolution must be passed by a three-fifths majority of the members elected to each house of the General Assembly.

INITIATIVE PETITION--The third method of amending the constitution was proposed by the constitutional convention in 1912 and adopted by the people by their vote on June 17. Essentially, it is a method whereby the people propose an amendment by petition, their proposal appears on the ballot, and if a majority vote favorably, the proposal becomes an amendment to the constitution. No action by the General Assembly is involved. Constitutional and statutory requirements must be followed.

Each of these various procedures provides a different method for proposing amendments. No amendment is adopted, however, except by vote of the people.

SUMMARY OF OPERATION OF THE INITIATIVE AND REFERENDUM IN OHIO
1912 THROUGH 2012

The provision for the initiative and referendum in Ohio was incorporated in the Ohio Constitution at a special election held September 3, 1912.

Five bills, proposed by initiative petition, were introduced in the General Assembly which convened in regular session January 6, 1913. The titles of these bills together with the action taken by the General Assembly on each, are as follows:

H.B. No. 1. Relative to regulating newspapers and publication of nothing but the truth. PASSED.

H.B. No. 2. To provide for the removal of certain officers. PASSED.

H.B. No. 3. To prohibit the shipment, conveyance, or receiving of intoxicating liquors into territory in which the sale of intoxicating liquors as a beverage is prohibited. LOST.

H.B. No. 4. To provide for license to traffic in intoxicating liquors and to regulate the traffic therein. LOST.

H.B. No. 5. To classify municipal corporations and to define their powers. LOST.

NOVEMBER 4, 1913

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

Short Ballot for state officers (Art. III, Secs. 1, 2 and 3):
Yes--239,126
No--461,555 (Failed)

Short Ballot for county and township officers (Art. X, Secs. 1 and 2):
Yes--217,875
No--449,493 (Failed)

Exemption from taxation of State of Ohio, city, village, hamlet, township, road district and school bonds (Art. XII, Sec. 12):
Yes--312,232
No--340,570 (Failed)

Eligibility of women to appointment as members of boards or positions in departments and institutions affecting or caring for women and children (Art. XV, Sec. 4):
Yes--435,222 (Passed)
No--255,036

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

Small legislature (Art. XI, Secs. 1, 2, 3, 4 and 5):
Yes--240,237
No--418,114 (Failed)

NOVEMBER 3, 1914

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

Home rule on subjects of intoxicating liquors (Art. XV, Sec. 9a):
Yes--559,872 (Passed)
No--547,254

Limitation of tax rate and for classification of property for purpose of taxation (Art. XIX, Secs. 1 and 2):
Yes--223,873
No--551,760 (Failed)

To extend the suffrage of women (Art. V, Sec. 1):
Yes--335,390
No--518,295 (Failed)

Prohibition of sale, manufacture for sale, and importation for sale of intoxicating liquors as a beverage (Art. XV, Sec. 9):

Prohibition of the sale and manufacture for sale of intoxicating liquors as a beverage (Art. XV, Sec. 9):
 Yes--463,354 (Passed) No--437,895

The General Assembly shall classify property for taxation purposes (Art. XII, Sec. 2):
 Yes--336,616 (Passed) No--304,399

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Law may be passed to provide against double taxation that results from the taxation of both the real estate and mortgage or the debt secured thereby, or other lien upon it (Art. XII, Sec. 2):
 Yes--479,420 (Passed) No--371,176

(Note: The amendment to Art. XII, Sec. 2 of the Ohio Constitution submitted under authority of House Joint Resolution No. 34, adopted by the 82nd General Assembly March 12, 1917, received a larger number of votes than the amendment to such section which was proposed by initiative petition; therefore the above amendment submitted by the General Assembly was adopted although both amendments received a majority of the votes cast. State ex rel v. Fulton 99 O.S. 168)

NOVEMBER 4, 1919

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

Defining the phrase "Intoxicating Liquor" (Art. XV, Secs. 9 and 1):
 Yes--474,907 No--504,688 (Failed)

To repeal statewide prohibition (Art. XV, Sec. 9):
 Yes--454,933 No--496,876 (Failed)

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Classification of property (Art. XII, Sec. 2):
 Yes--439,987 No--517,245 (Failed)

LAWS PASSED BY THE GENERAL ASSEMBLY SUBMITTED TO THE PEOPLE BY REFERENDUM PETITION:

S.J.R. No. 4--Ratifying national prohibition:
 Yes--499,971 No--500,450 (Failed)

H.B. No. 24--The Crabbe Act. To provide for state prohibition and its enforcement:
 Yes--474,078 No--500,812 (Failed)

NOVEMBER 2, 1920

Law passed by the general assembly submitted to the people by referendum petition:

H.B. No. 620--The Crabbe Act. To provide for state prohibition and its enforcement:
 Yes--1,062,470 (Passed) No--772,329

NOVEMBER 8, 1921

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To provide for a soldier bonus (Art. VIII, Sec. 2A):
 Yes--949,109 (Passed) No--324,447

To provide for the apportionment of the members of the General Assembly by dividing the state into twenty-six senatorial districts (Art. XI, Sec. 7):

NOVEMBER 2, 1926

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

To eliminate the compulsory primary (To amend Art. V, Sec. 7, and enact Art. V, Sec. 8):

Yes--405,152

No--743,313 (Failed)

NOVEMBER 8, 1927

PROPOSED LAW BY INITIATIVE PETITION:

Providing for a State Board of Chiropractic Examiners:

Yes--522,612

No--765,093 (Failed)

Law passed by the general assembly submitted to the people by referendum petition:

Am. S.B. No. 72--Mr. Marshall. Relating to the fees of Justices of the Peace and Constables:

Yes--438,458

No--916,016 (Failed)

NOVEMBER 6, 1928

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

To equalize the compensation of judges (Art. IV, Sec. 14):

Yes--704,248

No--1,197,324 (Failed)

NOVEMBER 5, 1929

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Relative to taxation and which authorized classification in this state (To amend Art. XII, Sec. 2, and to repeal Art. XII, Sec. 3):

Yes--710,538 (Passed)

No--510,874

NOVEMBER 4, 1930

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Relative to the distribution of income and inheritance taxes (Art. XII, Sec. 9):

Yes--930,914 (Passed)

No--574,017

NOVEMBER 3, 1931

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To authorize the contracting of debts by the state in an aggregate amount not exceeding \$7,500,000 for the welfare institutions of the state (Art. VIII, Sec. 2b):

Yes--487,459

No--766,057 (Failed)

NOVEMBER 8, 1932

MANDATORY SUBMISSION OF CONSTITUTIONAL QUESTION:

Shall there be a convention to revise, alter or amend the Constitution:

Yes--853,619

No--1,056,855 (Failed)

NOVEMBER 7, 1933

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Relative to repeal of prohibition (Art. XV, Sec. 9):

Yes--1,250,923 (Passed)

No--578,035

Relative to civil service eligibility lists, certification, sick leave and layoffs in the classified service:
 Yes--634,269 No--1,132,279 (Failed)

NOVEMBER 3, 1942

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

Relative to vacancies in judicial office (Art. IV, Sec. 13):
 Yes--954,704 (Passed) No--448,981

NOVEMBER 7, 1944

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To permit the use of temporary or substitute judges in the Supreme Court (Art. IV, Sec. 2):
 Yes--1,429,635 (Passed) No--611,276

Jurisdiction of the Court of Appeals (Art. IV, Sec. 6):
 Yes--1,279,216 (Passed) No--633,813

NOVEMBER 4, 1947

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To provide a bonus to veterans (Art. VIII, Sec. 2b):
 Yes--1,497,804 (Passed) No--478,701

Six year term for judges of probate courts, and to eliminate the provision that their compensation be payable out of the county treasury (Art. IV, Sec. 7; Art. XVII, Sec. 2):
 Yes--855,106 (Passed) No--692,061

To increase the number of members of the Sinking Fund Commission to include the Governor and the Treasurer of State (Art. VIII, Sec. 8):
 Yes--782,158 (Passed) No--762,129

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

Relative to the prohibition of the expenditure of money from motor vehicles license taxes and gasoline taxes for other than highway and related purposes (Art. XII, Sec. 5a):
 Yes--1,037,650 (Passed) No--669,718

NOVEMBER 8, 1949

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To provide that each county may have more than one probate judge (Art. IV, Sec. 7):
 Yes--874,291 No--876,647 (Failed)

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

Providing that electors of the State of Ohio may vote for candidates only by separately indicating their vote for each candidate (Art. V, Sec. 2a):
 Yes--1,007,693 (Passed) No--750,206

PROPOSED LAW BY INITIATIVE PETITION:

To permit the manufacture and sale of colored oleomargarine:
 Yes--1,282,206 (Passed) No--799,473

NOVEMBER 6, 1951

To provide that the compensation of judges of the Supreme Court, the Court of Appeals, Probate Court, and the Court of Common Pleas, and of other courts inferior to the Court of Appeals, may be increased or diminished during their term of office (Art. IV, Sec. 14):
 Yes--849,677
 No--1,107,646 (Failed)

PROPOSED LAW BY INITIATIVE PETITION:

To increase unemployment compensation:
 Yes--865,326
 No--1,481,339 (Failed)

NOVEMBER 6, 1956

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To pay a bonus to veterans of the Korean conflict (Art. VIII):
 Yes--2,202,510 (Passed) No--889,245
 Increasing the terms of members of the State Senate to four years (Art. II, Sec. 2 and Art. XI, Sec. 1, 6, 9, 10 and 11):
 Yes--1,636,449 (Passed) No--1,214,643

NOVEMBER 5, 1957

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To permit the appointment to state offices of persons not possessing the qualifications of an elector of the state (Art. XV, Sec. 4):
 Yes--696,372 No--1,040,638 (Failed)
 To permit new residents of the state, who have not yet attained the qualifications of electors by one year's residence, to vote for President and Vice President only (Art. V, Sec. 1):
 Yes--1,072,396 (Passed) No--658,244

To permit the electors of counties to adopt county charters (Art. X, Sec. 3):

Yes--832,912 (Passed) No--799,094

NOVEMBER 4, 1958

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To permit the electors of the counties to form metropolitan federations (Art. X, Sec. 5):
 Yes--1,108,383 No--1,410,277 (Failed)

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

To forbid labor contracts which established union membership as a condition for continuing employment (called "right to work") (Art. I, Sec. 1a):
 Yes--1,160,324 No--2,001,512 (Failed)

NOVEMBER 3, 1959

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To remove the limitation on the sale of water and sewage services by municipalities outside their corporate limits (Art. XVIII, Sec. 6):
 Yes--1,085,378 (Passed) No--775,610

To permit the General Assembly to create additional judgeships in Courts of Appeals where the press of business requires (Art. IV, Sec. 6):
 Yes--1,028,914 (Passed) No--809,957

NOVEMBER 7, 1961

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

MAY 2, 1967

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

Relative to the creation of the Ohio Bond Commission (Art. VIII, Sec. 21):
Yes--508,364
No--1,022,078 (Failed)

To provide for the apportionment of the Ohio House of Representatives and the Ohio Senate (Art. II, Sec. 3; Art. XI, Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10):

Yes--699,021
No--850,068 (Failed)

NOVEMBER 7, 1967

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To provide a method for the apportionment of the House of Representatives and Senate into single member districts (Art. II, Secs. 2, 3; Art. XI, Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15):
Yes--1,315,736 (Passed)
No--908,010

MAY 7, 1968

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

Disposition of school and ministerial funds (Art. VI, Sec. 1):
Yes--847,861 (Passed)
No--695,368

Filling vacancies in the House of Representatives of the General Assembly (Art. II, Sec. 11):

Yes--1,020,500 (Passed)
No---487,938

Administration and organization of the Ohio Judicial System (Art. IV, Secs. 1, 2, 3, 4, 5, 6, 7, 8, 10, 12 and 14; Art. XI, Secs. 12 and 13):
Yes--925,481 (Passed)
No--556,530

NOVEMBER 5, 1968

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

Issuance of bonds or other obligations for highways and for other capital improvements (Art. VIII, Sec. 2i):
Yes--1,732,512 (Passed)
No--1,550,959

To permit the General Assembly to grant homestead exemptions for certain residents (Art. XII, Sec. 2):
Yes--1,382,016
No--1,825,615 (Failed)

NOVEMBER 4, 1969

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To lower the voting age from twenty-one to nineteen years (Art. V, Sec. 1):
Yes--1,226,592
No--1,274,334 (Failed)

To provide for the elimination of the short term election of state officers to fill a vacancy, where the remainder of the term is less than one year (Art. III, Sec. 18; Art. XVII, Sec. 2):
Yes--1,432,960 (Passed)
No--795,813

NOVEMBER 3, 1970

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To permit enactment of laws reducing the valuation of the homestead and taxes for residents sixty-five years of age and over (Art. XII, Sec. 2):
Yes--2,115,557 (Passed)
No--711,761

Relative to the Administration and Organization of the Courts of Ohio (Art. IV, Secs. 1, 4, 5 and 6):
 Yes--1,317,379 (Passed) No--778,466

To authorize the issuance of bonds or notes to provide a veterans bonus for Vietnam and other military service (Art. VIII, Sec. 2j):
 Yes--1,650,120 (Passed) No--647,629

*Presented as separate questions request of legislature.

MAY 7, 1974

CONSTITUTIONAL AMENDMENTS PROPOSED BY GENERAL ASSEMBLY:

To equalize the compensation of Public Officers and Members of the General Assembly (Art. II, Secs. 20 and 31):
 Yes--611,726 No--747,518 (Failed)

To permit increases in the compensation of Public Officers with more than two years remaining in their terms (Art. II, Sec. 20a):
 Yes--365,921 No--992,978 (Failed)

To provide for preparation of ballot language on constitutional amendments proposed by the General Assembly, to provide procedures for timely challenges to such language, and to provide information to voters about such amendments (Art. XVI, Sec. 1):
 Yes--964,885 (Passed) No--376,022

NOVEMBER 5, 1974

CONSTITUTIONAL AMENDMENTS PROPOSED BY GENERAL ASSEMBLY:

To permit laws reducing real estate taxes on the homesteads of permanently and totally disabled residents (Art. XII, Sec. 2):
 Yes--2,266,355 (Passed) No--492,813

To repeal a section of the Ohio Constitution which requires the Governor to appoint a Superintendent of Public Works for a one-year term (Art. VII, Sec. 12):
 Yes--1,463,408 (Passed) No--995,748

To include the following among the purposes for which public industrial development revenue bonds may be issued and loan guarantee programs undertaken, without obligating or pledging moneys raised by taxation: 1. The preservation of existing jobs; 2. The control of air, water and thermal pollution; 3. The disposal of solid waste, and 4. The construction of electric and gas utility services facilities for pollution control or solid waste disposal (Art. VIII, Sec. 13):
 Yes--1,613,444 (Passed) No--882,778

NOVEMBER 4, 1975

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

To create and preserve jobs by the authorization of tax incentives to industrial plants (Art. XII, Sec. 13):
 Yes--573,874 No--2,164,957 (Failed)

To authorize the issuance of bonds and notes in an amount not to exceed one billion seven hundred fifty million dollars (\$1,750,000,000) to be paid from an additional levy of nine-tenths (9/10) of one cent (1¢) per gallon gasoline tax, commencing April 1, 1976 and from other highway funds and the general revenue fund if the additional gasoline tax moneys are insufficient, for the development, restoration, and upgrading of highways and other transportation facilities (Art. VIII, Sec. 2k):
 Yes--439,041 No--2,304,854 (Failed)

To require political divisions to make provisions for payment of debt from taxation or other sources and to specify property tax limitations (Adopt Art. XII, Sec. 7; repeal Art. XII, Sec. 11):
Yes--675,012 No--890,896 (Failed)

To require a return of not less than 50% of the estate taxes to political subdivisions, etc. (Art. XII, Secs. 4 and 9):
Yes--951,310 (Passed) No--699,823

To consolidate into one section provisions for imposition of taxes and to clarify language (Adopt Art. XII, Sec. 3; repeal Art. XII, Secs. 7, 8, 10 and 12):
Yes--918,450 (Passed) No--712,489

NOVEMBER 2, 1976

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

Relative to limiting the rates which may be charged to residential consumers for fixed amounts of gas and electricity (Adopt Art. XIX):
Yes--1,247,388 No--2,334,816 (Failed)

Relative to providing for representation of residential utility regulatory actions affecting their interests (Adopt Art. XX):
Yes--1,092,781 No--2,557,265 (Failed)

Relative to establishing procedures for legislative hearings and approval of safety features of nuclear power plants and related facilities (Adopt Art. XV, Sec. 11):
Yes--1,150,360 No--2,462,000 (Failed)

Relative to simplifying the procedures for initiative and referendum (Adopt Sec. 1 of Art. II and Art. XIV; repeal Secs. 1a, 1b, 1c, 1d, 1e, 1f and 1g of Art. II):
Yes--1,175,410 No--2,407,960 (Failed)

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To provide for certain provisions in regard to the Governor and Lieutenant Governor (Adopt Secs. 15, 16 and 17 of Art. III; repeal Secs. 15 and 17 of Art. III):
Yes--2,388,184 (Passed) No--1,048,967

To eliminate from the Constitution obsolete and unnecessary provisions (Repeal Secs. 2, 5 and 8 of Art. XV):
Yes--2,284,178 (Passed) No--1,129,165

To require the declaration of election results for state executive officers at the next regular session of the General Assembly (Art. III, Sec. 3; repeal Sec. 4 of Art. III):
Yes--2,297,422 (Passed) No--1,103,822

NOVEMBER 8, 1977

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

To provide that a person is entitled to vote if he has been registered for thirty days. Elector failing to vote at least once in four consecutive years must register again before voting. (Amends Sec. 1 of Art. V):
Yes--1,964,361 (Passed) No--1,225,852

Prohibits use of leghold traps or any trapping device causing prolonged suffering (Adopts Art. XIX):
Yes--1,169,068 No--2,027,642 (Failed)

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

PROPOSED LAW BY INITIATIVE PETITION:

To restructure state taxes on personal income, real estate, corporations, and personal property:
 Yes--880,671
 No--3,000,028 (Failed)

NOVEMBER 3, 1981

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

To authorize the sale of workers compensation insurance coverage by private insurance companies (Art. II, Sec. 35):
 Yes--572,227
 No--2,164,395 (Failed)

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

To abolish the present methods of establishing general assembly and congressional districts, to create the commission for reapportionment and re-districting, and to require the commission to approve the plan which is most compact. (Art. II, Sec. 2 and Art. XI):
 Yes--1,093,485
 1,513,502 (Failed)

NOVEMBER 2, 1982

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE GENERAL ASSEMBLY:

To allow the state to issue revenue bonds to make financing available for low cost housing (Art. VIII, Sec. 14 or 15):
 Yes--1,827,453 (Passed)
 No--1,356,336

To authorize the Ohio Rail Transportation Authority to build high speed rail system and levy a 1% sales tax to build it (Art. VIII, Sec. 14):
 Yes--708,605
 No--2,420,593 (Failed)

CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION:

To provide for electing members of the Public Utilities Commission and provide public financing of their campaigns (Art. XIX):
 Yes--1,053,274
 No--2,175,893 (Failed)

NOVEMBER 8, 1983

CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE PETITION:

To raise the minimum age to 21 years for the consumption of beer (Art. XV, Sec. 11):
 Yes--1,386,959
 No--1,965,469 (Failed)

To require a 3/5 Majority of the General Assembly to raise taxes (Art. II, Sec. 15):
 Yes--1,354,320
 No--1,967,129 (Failed)

To repeal all taxes passed since 1982 (Art. XII, Sec. 3a):
 Yes--1,452,061
 No--1,883,270 (Failed)

NOVEMBER 5, 1985

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

To allow the state to issue bonds to finance coal research (Art. VIII, Sec. 15):
 Yes--1,439,344 (Passed)
 No--807,647

NOVEMBER 3, 1987

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY:

NOVEMBER 2, 1999

CONSTITUTIONAL AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY

To adopt sections 2(n) and 17 of Article VIII of the Constitution of the State of Ohio to authorize the issuance of bonds and other obligations to pay cost of construction, renovation and repair of facilities for Ohio's public schools and state-supported colleges and universities.

Yes--1,303,830 (Passed) No--840,240

NOVEMBER 7, 2000

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Resolution of the General Assembly of Ohio)

Authorize the state to issue bonds and other obligations to pay the costs of projects for environmental conservation and revitalization purposes.

Yes--2,197,773 (Passed) NO--1,628,716

NOVEMBER 5, 2002

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Initiative Petition)

In order to provide for persons charged with or convicted of illegal possession or use of a drug, in certain circumstances, to choose treatment instead of incarceration. (Drug treatment in lieu of incarceration)

Yes--1,012,682 No--2,048,770 (Failed)

NOVEMBER 4, 2003

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Resolution of the General Assembly of Ohio)

To adopt Section 2p of Article VIII to create jobs and stimulate economic growth in Ohio; to support science and technology based research and development purposes...

Yes--1,195,706 No--1,235,323 (Failed)

NOVEMBER 2, 2004

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Initiative Petition)

Only a union between one man and one woman may be a marriage valid in or recognized by this state and its political subdivisions. This state and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.

Yes--3,329,335 (Passed) No--2,065,462

NOVEMBER 8, 2005

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1
(Proposed by Resolution of the General Assembly of Ohio)

To adopt Section 2p of Article VIII of the Constitution of the State of Ohio for the purpose of creating and preserving jobs and stimulating economic growth.

Yes--1,512,669 (Passed) No--1,282,571

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 2
(Proposed by Initiative Petition)

To adopt Section 6 of Article XVII of the Constitution of the State of Ohio in order to expand to all electors the choice to vote by absentee ballot in all elections.

Legislation making changes to check cashing lending sometimes known as "payday lending" fees, interest rates and practices.

Yes - 3,396,968 (Passed) No - 1,943,721

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 6

Proposed by initiative petition for a casino near Wilmington in Southwest Ohio and distribute to all Ohio counties a tax on the casino.

Yes - 2,092,074 No - 3,466,574 (Failed)

NOVEMBER 3, 2009

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1

(Proposed by Joint Resolution of the General Assembly of Ohio)

To authorize the state to issue bonds to provide for compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts.

Yes - 2,277,521 (Passed) No- 876,520

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 2

(Proposed by Joint Resolution of the General Assembly of Ohio)

To create the Ohio Livestock Care Standards Board to establish and implement standards of care for livestock and poultry.

Yes - 2,020,851 (Passed) No- 1,148,538

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 3

(Proposed by Initiative Petition)

To allow for one casino each in Cincinnati, Cleveland, Columbus, and Toledo and distribute to all Ohio counties a tax on the casinos.

Yes - 1,713,288 (Passed) No- 1,519,636

May 4, 2010

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1

(Proposed by Joint Resolution of the General Assembly of Ohio)

To extend the Ohio Third Frontier Program by authorizing the issuance of additional general obligation bonds to promote economic growth.

Yes - 1,050,265 (Passed) No- 650,988

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 2

(Proposed by Joint Resolution of the General Assembly of Ohio)

To change the location of the Columbus casino facility authorized by previous statewide vote.

Yes - 1,154,504 (Passed) No- 534,013

November 8, 2011

PROPOSED CONSTITUTIONAL AMENDMENT - Issue No. 1

(Proposed by Joint Resolution of the General Assembly)

To increase the maximum age at which a person may be elected or appointed judge, to eliminate the authority of the General Assembly to establish courts of conciliation, and to eliminate the authority of the governor to appoint a Supreme Court Commission

Yes - 1,273,536 No- 2,080,207 (Failed)

REFERENDUM - Issue No. 2

(Law passed by the general assembly submitted to the people by referendum petition)

Referendum on new law relative to government union contracts and other government employment contracts and policies

Yes -1,373,724 No- 2,202,404 (Failed)

COMPILED BY:

Jon Husted
SECRETARY OF STATESUMMARY OF ACTION ON CONSTITUTIONAL AMENDMENTS
1913 - 2012
(updated 1/24/13)

YEAR	SUBMITTED BY INITIATIVE PETITION		SUBMITTED BY GENERAL ASSEMBLY		YEAR	SUBMITTED BY INITIATIVE PETITION		SUBMITTED BY GENERAL ASSEMBLY	
	ADOPTED	REJECTED	ADOPTED	REJECTED		ADOPTED	REJECTED	ADOPTED	REJECTED
1913	1				1963			1	
1914	1	3	3		1964			1	
1915		3	1		1965			4	2
1916					1966				
1917	3	1			1967			1	2
1918		2	1		1968			4	1
1919					1969			1	1
1920					1970			3	
1921		3	2		1971			1	
1922					1972		1		
1923					1973				
1924					1974			6	5
1925					1975		4	4	2
1926		1	3		1976		4	3	2
1927			1		1977		1	8	3
1928		1			1978			3	2
1929					1979				
1930			1		1980			1	4
1931			1		1981		2		
1932					1982		1	1	1
1933	2				1983		3		
1934		2			1984				
1935					1985			1	
1936	1		1		1986			2	
1937					1987		1		
1938		1			1988				
1939		2		1	1989			1	
1940					1990		1	2	
1941					1991				
1942					1992		3	1	1
1943					1993				
1944			2		1994		1	3	
1945					1995			2	
1946					1996		1		
1947	1		3		1997			1	
1948					1998		1		2
1949	1				1999			1	
1950				1	2000			1	
1951				1	2001				
1952					2002		1		
1953				9	2003				1
1954				1	2004		1		
1955				1	2005		0	1	0
1956				2	2006		2		
1957				2	2007				
1958		1			2008		1	3	0
1959				2	2009		0	2	0
1960					2010		0	2	0
1961				4	2011		1	0	1
1962		1			2012		1	1	1
					GRAND TOTAL		19	53	51
					TOTAL			102	

Co-Chair
Vernon Sykes, Representative
34th House District



Co-Chair
William G. Batchelder, Speaker
69th House District

Witness Information Form

Please Complete the Witness Information Form Before Testifying

Date: 7- -2013
Name: Richard ("Rick") T. Redob
Organization (If Applicable): INDEPENDENT VOTERS ORG / Party
Position/title: Ohio Representative
Address: 433 W. Sixth Ave.
City: Columbus State: OH Zip: 43201
Telephone: 614-739-3739
Email: rredob@redoblaw.com

Are You Representing: Yourself yes Organization Ohio Independents

Do You Wish to Testify On:
• Specific issue: ✓
• Subject matter: ✓

Do you have a written statement, visual aids, or other material to distribute? I would like to submit. I forward written statements
(If yes, please provide copies to the Chairman or Committee Clerk)

How much time will your testimony require? 3 minutes
• *Committee Chair may limit testimony in the interest of time*

05/27/2013 DRAFT

AN INITIATIVE MEASURE

CREATING AN OPEN PRIMARY GIVING ALL QUALIFIED VOTERS THE RIGHT TO VOTE FOR THE CANDIDATES OF THEIR CHOICE, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF OHIO; AMENDING ARTICLE V OF THE CONSTITUTION OF OHIO RELATING TO DIRECT PRIMARY ELECTION LAW

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of OHIO:

Section 1. Title. This initiative amendment shall be known as the "Top Two Candidates Open Primary Act."

Section 2. Purpose.

A. This initiative will ensure that every person qualified to vote, including persons not expressing a preference for any political party, has the right to vote at any election for any candidate, regardless of the voter's or the candidate's party preference or lack thereof.

B. To provide more choice to and increase participation by all the voters and candidates of Ohio, this proposition:

(1) Abolishes the existing system of taxpayer-funded primary elections to select nominees

for political parties **and**

(2) Creates in its place an Open "Top Two" Primary Election, in which all candidates running for an office appear together on the same ballot and all qualified voters (regardless of party preference or lack thereof) are able to vote for the candidate of their choice. The two candidates receiving the highest vote totals for each office would then go on to face each other in the general election.

C. This proposition applies to all Ohio elections in which a candidate's party preference may at present appear on the ballot. It does not apply to: elections in which no party preference appears on the ballot; or to the system for the election of President and Vice President of the United States.

Section 3. OPEN TOP TWO PRIMARY

A. APPLICABILITY. THIS SECTION SHALL APPLY TO THE ELECTION OF CANDIDATES FOR ALL FEDERAL, STATE, COUNTY, AND LOCAL ELECTIVE OFFICES EXCEPT (1) THOSE IN WHICH NO PARTY PREFERENCE AT PRESENT MAY APPEAR ON THE ELECTION BALLOT AND (2) THE SYSTEM FOR THE ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

B. RIGHTS OF VOTERS. ALL QUALIFIED VOTERS SHALL BE GUARANTEED THE UNRESTRICTED RIGHT TO VOTE FOR THE QUALIFIED CANDIDATE OF THEIR CHOICE IN ALL ELECTIONS. NO VOTER SHALL BE DENIED THE RIGHT TO VOTE FOR THE QUALIFIED CANDIDATE OF HIS OR HER CHOICE IN A PRIMARY OR GENERAL ELECTION BASED UPON HIS OR HER PARTY PREFERENCE OR LACK THEREOF.

C. PROCEDURE. FOR OFFICES TO WHICH THIS SECTION APPLIES, AN OPEN PRIMARY ELECTION SHALL BE CONDUCTED TO SELECT THE CANDIDATES WHO COMPETE IN THE GENERAL ELECTION. ALL REGISTERED VOTERS MAY VOTE IN THE OPEN PRIMARY ELECTION FOR ANY QUALIFIED CANDIDATE, PROVIDED THAT THE VOTER IS OTHERWISE QUALIFIED TO VOTE FOR CANDIDATES FOR THE OFFICE IN QUESTION. THE TWO CANDIDATES WHO RECEIVE THE MOST VOTES IN THE PRIMARY ELECTION SHALL COMPETE IN THE GENERAL ELECTION; EXCEPT THAT, FOR ANY OFFICE TO WHICH MORE THAN ONE CANDIDATE WILL BE ELECTED, THE NUMBER OF CANDIDATES WHO WILL COMPETE IN THE GENERAL ELECTION SHALL BE THE NUMBER OF CANDIDATES TO BE ELECTED TIMES TWO. THIS SECTION ALLOWS WRITE-IN VOTING IN THE PRIMARY ELECTION, BUT NOT IN THE GENERAL ELECTION.

D. FILING REQUIREMENT. ALL CANDIDATES WISHING TO RUN FOR AN ELECTIVE OFFICE TO WHICH THIS SECTION APPLIES SHALL FILE, WITH THE APPROPRIATE ELECTIONS OFFICER, PETITIONS CONTAINING THE SIGNATURES OF REGISTERED VOTERS IN AN AMOUNT TO BE ESTABLISHED BY LAW.

E. RIGHTS OF CANDIDATES. AT THE TIME THEY FILE TO RUN FOR PUBLIC OFFICE, EVERY CANDIDATE SHALL HAVE THE CHOICE TO DECLARE HIS OR HER PARTY PREFERENCE (IF ANY), UP TO A

05/27/2013 DRAFT

MAXIMUM OF 20 CHARACTERS. THAT PARTY PREFERENCE (IF ANY) SHALL ACCOMPANY THE CANDIDATE'S NAME ON THE PRIMARY AND GENERAL ELECTION BALLOTS. THE NAMES OF CANDIDATES WHO CHOOSE NOT TO DECLARE A PARTY PREFERENCE SHALL BE ACCOMPANIED BY THE DESIGNATION "INDEPENDENT" ON BOTH THE PRIMARY AND GENERAL ELECTION BALLOTS.

F. BALLOT LANGUAGE. IN ALL GOVERNMENT-ISSUED VOTER EDUCATION MATERIALS THAT CONTAIN A LIST OF CANDIDATES STANDING FOR ELECTION AND ON EVERY PRIMARY AND GENERAL ELECTION BALLOT, THE FOLLOWING LANGUAGE SHALL BE PROMINENTLY DISPLAYED: "THE PARTY PREFERENCE (IF ANY) STATED WITH THE CANDIDATES' NAMES ON THIS BALLOT IS NOT AN INDICATION THAT A CANDIDATE HAS BEEN NOMINATED OR ENDORSED BY THAT PARTY, BUT ONLY REFLECTS THE PARTY PREFERENCE (IF ANY) OF THE CANDIDATE."

G. RIGHTS OF POLITICAL PARTIES. NOTHING IN THIS SECTION SHALL RESTRICT THE RIGHT OF INDIVIDUALS TO JOIN OR ORGANIZE INTO POLITICAL PARTIES OR IN ANY WAY RESTRICT THE RIGHT OF PRIVATE ASSOCIATION OF POLITICAL PARTIES. NOTHING IN THIS SECTION SHALL RESTRICT THE PARTIES' RIGHT TO CONTRIBUTE TO, ENDORSE, OR OTHERWISE SUPPORT OR OPPOSE CANDIDATES FOR ELECTIVE OFFICE. POLITICAL PARTIES MAY ESTABLISH SUCH PROCEDURES AS THEY SEE FIT TO ENDORSE OR SUPPORT CANDIDATES OR OTHERWISE PARTICIPATE IN ALL ELECTIONS. POLITICAL PARTIES MAY ALSO ADOPT SUCH RULES AS THEY SEE FIT FOR THE SELECTION OF PARTY OFFICIALS (INCLUDING CENTRAL COMMITTEE MEMBERS, PRESIDENTIAL ELECTORS AND PARTY OFFICERS). THIS MAY INCLUDE RESTRICTING PARTICIPATION IN ELECTIONS FOR PARTY OFFICIALS TO THOSE WHO DISCLOSE A PARTY PREFERENCE FOR THAT PARTY.

H. LEVEL PLAYING FIELD. ALL QUALIFIED VOTERS AND CANDIDATES SHALL BE TREATED EQUALLY BY STATUTES AND REGULATIONS GOVERNING ELECTIONS REGARDLESS OF THEIR PARTY PREFERENCE OR LACK THEREOF. TO THE EXTENT THAT ANY PRIVILEGES OR PROCEDURES ARE MADE AVAILABLE TO CANDIDATES OR POLITICAL PARTIES, THEY SHALL BE MADE EQUALLY AVAILABLE TO ALL CANDIDATES OR POLITICAL PARTIES, REGARDLESS OF PARTY PREFERENCE, RECOGNITION, OR LACK THEREOF.

Section 4 Severability

The people of Ohio declare their intention that the provisions of this initiative are severable.

Section 5. Submission to voters

The Secretary of State shall submit this proposition to the voters at the next general election as provided by Article II, Section 1a, Constitution of Ohio.

Section 6. Effective date and implementation by Legislature

If approved by the voters, this Constitutional Amendment shall apply to all elections occurring after January 1, 2015, and shall supersede any existing state statutes, regulations, and elections procedures to the extent that they are inconsistent with this Constitutional Amendment. The Legislature, Secretary of State and local officials shall promptly make such changes in and additions to state statutes, regulations, and elections procedures as are necessary to fully implement the provisions of this Constitutional Amendment in time for the open primary election in 2015 and for every open primary and general election thereafter. Legislation, regulations, and elections procedures implementing this amendment must be consistent with and further the purpose of this amendment to permit and encourage all qualified voters in Ohio to vote in primary and general elections for the candidates of their choice, regardless of the party preference of voters and candidates.