



Issue Background

There are two ways to amend Ohio's Constitution.

1. By voting to adopt amendments proposed by a 3/5th majority of the Ohio House and Senate.
Examples: Ohio's redistricting law, the recently passed bail proposal, etc.
 2. By a citizen-initiated process that includes obtaining signatures equal to 10% of those who voted in the last gubernatorial election, with signatures gathered from at least half of Ohio's counties equal to 5% of the people who voted in the last gubernatorial election. Example: Marsy's Law.
- Under current Ohio law, it takes a simple majority (50% plus one of those voting) to adopt an amendment to the Ohio Constitution.

There are three ways to amend/revoke the general laws of the state (ie, the Ohio Revised Code).

1. Voters elect members of the General Assembly who debate and pass laws; laws then go to the Governor where they become law or are vetoed. (example: most laws).
 2. By a citizen-initiated process that includes obtaining signatures equal to 3% of the people who voted in the last gubernatorial election, with signatures gathered from at least half of Ohio's counties equal to 1.5% of the people who voted in the last gubernatorial election. This then refers/introduces the "bill" to the General Assembly, which has 4 months to act. If the GA does not pass the law, the citizen committee can circulate another petition via the same process. Once done, the law goes before voters. Examples: Ohio's smoking ban, current marijuana effort.
 3. By citizen-initiated referendum to repeal something passed by the General Assembly. Bills passed with a supermajority "emergency clause" and tax are exempt. Example: HB5
- Under Ohio law, all of these require a simple majority to pass (except override of veto).

Issue

The August Ballot Issue (Issue 1) proposes to amend Ohio's Constitution to make three changes. First, to require that any amendment to Ohio's Constitution needs 60% of the vote. Second, to require that petitioners for initiated amendments meet the 5% threshold in every county (instead of only half). Lastly, to eliminate something called the "ten-day cure," an additional 10 days to obtain additional signatures if they fail to get enough signatures on the first attempt.

These provisions would apply to proposed amendments to the Constitution, whether they are proposed by the General Assembly or a committee of petitioners. None of the provisions would apply to efforts to amend the Ohio Revised Code.

Facts

- Only 18 state constitutions allow citizen initiative to amend the Constitution. Of those, Ohio is the easiest or second-easiest (behind California) to amend the Constitution.
 - Of all 50 states, only 9 (including Ohio) require a simple majority to amend the Constitution.
- The result? There have been more than 230 attempts to amend the Ohio Constitution, of which more than 170 have been successful. Many of these amendments have supported private business interests, monopolies/attempted monopolies, or other concepts that should be put into the revised code, not the Constitution.
- The Constitution should be reserved to foundational law that deals with the structure of government and articulation of the most fundamental and inalienable rights.

- Adding overly complex concepts to Ohio's Constitution ignores that any fixes cannot be made by the General Assembly but require additional constitutional amendments and often result in a multitude of lawsuits.

When something is added to the Constitution, unintended consequences cannot be corrected with legislative action. Instead, any changes must be made via constitutional amendment. The risk of this is compounded by an initiated amendment, which does not have an opportunity or forum for public debate and revision of the language once the language is circulated.

- The 1912 amendment(s) to the Constitution which included the citizen process were adopted at a time when technology and financing of campaigns were very different than our own.
- With unlimited campaign financing, media strategies, and shifts in technology the 10%/5% threshold has become a very lucrative business plan – not only for those looking to gain an advantage by securing protection for their business in Ohio's Constitution, but also for the firms that pay (and earn) big dollars for paid signature gatherers.
- The voters in 1912 also adopted an amendment to ask Ohioans every 20 years if there should be a statewide constitutional convention to examine the language and suggest changes.

In 2012, Ohio voters were asked if the state should convene a constitutional convention. At the time (starting in 2011 and ending by 2017), Ohio lawmakers convened the Constitutional Modernization Commission to look at these issues. (See www.ocmc.ohio.gov).

- The Ohio Constitutional Modernization (OCMC) was a bipartisan group of public officials, scholars, and members of the public that reviewed and proposed changes to the Constitution.
- In 2017, the OCMC voted to recommend changes to how the Constitution could be amended. The suggested changes included increasing the threshold, eliminating the ten-day cure, and more.
- At the time, most of Ohio's editorial boards and bipartisan lawmakers supported this effort. The Columbus Dispatch posted an editorial that Ohio should look to Florida and its 60% threshold.
- In 2018, HJR 19, with bipartisan sponsors, introduced an amendment that was very similar to 2023 SJR2/Issue 1.
- In 2018, Senate President Larry Obhof and presumptive Speaker Ryan Smith announced that their joint priority for passage in 2019 would be a proposal to let Ohioans vote on elevated standards for Constitutional Amendments.

Although this was the announced priority, in a move that has become rather infamous in Ohio political history, Ryan Smith did not become Speaker. Instead, Larry Householder did, and Ohio voters were not given the opportunity to vote on this proposal.

- In 2022, before there was a proposed abortion amendment, Representative Brian Stewart introduced a provision to elevate Ohio's Constitutional Amendment process.
- In 2023, looking at amendments that are being circulated – including an extreme abortion amendment, sweeping changes to the minimum wage, targeting of law enforcement through qualified immunity, and threatened initiatives on ranked-choice voting, green energy, and drug use, Ohio lawmakers placed Issue 1 on the ballot to give Ohioans an opportunity to weigh in.

At the end of the day, Ohio voters need to ask themselves if it is ok that our Constitution has been increasingly manipulated by extreme voices with well-funded campaigns, particularly with concepts that rightly belong in the Ohio Revised Code. Nothing in this amendment has altered the citizen initiative to amend the revised code, and historically lawmakers have respected those statutes, even despite public opposition and significant lobbying efforts. For example, Ohio's smoking ban was adopted via initiated statute and has not been repealed or substantially amended.

Ohio's Constitution is not for sale. Vote Yes on Issue 1 this August.