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S.J.R. 2
135th General Assembly

Final Analysis

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Primary Sponsors: Sens. McColley and Gavarone

Adopted: May 10, 2023; to be submitted to the voters on August 8, 2023

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SUMMARY

- Proposes an amendment to the Ohio Constitution, to appear on the ballot at a special election to be held on August 8, 2023.
- Requires any future constitutional amendment to be approved by at least 60% of the voters.
- Beginning with petitions filed with the Secretary of State on or after January 1, 2024:
 - Eliminates the ten-day cure period to gather additional signatures for an initiative petition proposing a constitutional amendment.
 - Requires an initiative petition proposing a constitutional amendment to be signed by 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 joint resolution places a proposed amendment to the Ohio Constitution on the ballot at an August 8, 2023, special election. If it is approved by a majority of the voters, the amendment will take effect immediately, except that certain procedural changes would only apply to petitions filed on or after January 1, 2024.

The resolution proposes an amendment to the Ohio Constitution requiring any future constitutional amendment to be approved by at least 60% of the voters, instead of by a simple majority (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

Initiative petition procedures

In addition, the resolution proposes two changes to initiative petition procedures, specifically only for initiative petitions proposing amendments to the Constitution. These changes apply to petitions filed with the Secretary of State on or after January 1, 2024.

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

Second, the proposal requires an initiative petition that proposes a constitutional amendment to have signatures from at least 5% of the electors in each of Ohio's 88 counties, rather than 44 counties, as is currently required. (The petition still must be signed by 10% of the state's electors overall.) The resolution maintains the current 44-county requirements for initiative petitions proposing new laws ("initiated statutes") and for referendum petitions.²

Date of election and implementation

The resolution places the proposal on the ballot at a special election, which the resolution calls to be held on August 8, 2023. The resolution states that the election is "prescribed pursuant to the authority provided by Section 1 of Article XVI of the Constitution of the State of Ohio," and states that the election must be conducted "pursuant to all applicable laws." Ohio Constitution, Article XVI, Section 1 provides that amendments to the Constitution proposed by the General Assembly must be submitted to the electors "at either a special or a general election as the General Assembly may prescribe."

If the proposal is approved by a majority vote of the electors, it takes effect immediately, and the 60% approval threshold applies to any constitutional amendment appearing on the ballot at a later election. However, as is noted above, the new procedural requirements for initiative petitions proposing constitutional amendments first apply to petitions filed on or after January 1, 2024.

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

² Ohio Const., art. II, sec. 1g. In each case where the Ohio Constitution requires signatures from a percentage of the electors, that percentage is calculated based on the total vote cast for Governor at the most recent election for that office.

For more information about the current procedures for amending the Ohio Constitution, see LSC's Members Brief, [Statewide Ballot Issues \(PDF\)](#).³

HISTORY

Action	Date
Introduced	03-22-23
Reported, S. General Gov't	04-19-23
Adopted Senate (26-7)	04-19-23
Reported, H. Constitutional Resolutions	05-02-23
Reported, H. Rules & Reference	05-09-23
Adopted House (62-37)	05-10-23
Senate concurred in House amendments (26-7)	05-10-23

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