



William J. Heaphy, III

Resolution Analysis
Legislative Service Commission

H.J.R. 6

123rd General Assembly
(As Introduced)

**Reps. Healy, Ford, Jones, Allen, Corbin, Smith, Bateman, Barrett,
Van Vyven, Krupinski, Jolivette, Mottley, Opfer**

RESOLUTION SUMMARY

- Proposes to submit to the electors of the state at the November 2, 1999, general election a proposal to eliminate, effective January 1, 2002, the provisions of the Ohio Constitution that impose term limits on members of the General Assembly, the Lieutenant Governor, the Secretary of State, the Auditor of State, the Treasurer of State, the Attorney General, and the Ohio members of Congress.

CONTENT AND OPERATION

Existing "constitutional" law

General Assembly members

Among other provisions of the Ohio Constitution, Section 2 of Article II of the Ohio Constitution governs the election of the members of the Ohio House of Representatives and the Ohio Senate. House of Representatives members must be elected by the electors of their respective districts for two-year terms of office commencing on the first day of January after their election. Senate members must be elected by the electors of their respective districts for four-year terms of office commencing on the first day of January after their election. (Art. II, §2, first paragraph.)

Article II, Section 2 also contains the following "term limit" provisions that apply to General Assembly members (second paragraph):

(1) Individuals are prohibited from holding the office of state senator for a period longer than *two successive terms of four years*.

(2) Individuals are prohibited from holding the office of state representative for a period longer than *four successive terms of two years*.

(3) Terms must be considered successive unless *separated by a period of four* or more years, and only terms beginning on or after January 1, 1993, are considered in determining an individual's eligibility to hold office.

State executive branch officials

Section 1 of Article III of the Ohio Constitution (not in the joint resolution) specifies that the "executive department" of the state government consists of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Attorney General, who must be elected by the electors of the state. Under Section 2 of Article III of the Ohio Constitution, these state executive branch officials generally hold terms of office of four years and are subject to the following "term limit" provisions (first and second paragraphs):

(1) Individuals are prohibited from holding any of these offices for a period longer than *two successive terms of four years*.

(2) With respect to the offices of Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Attorney General, terms must be considered successive unless they are *separated by a period of four* or more years, and only terms beginning on or after January 1, 1995, can be considered in determining an individual's eligibility to hold those offices.

Members of Congress from Ohio

Section 8 of Article V of the Ohio Constitution prohibits individuals from holding the office of United States Senator from Ohio for a period longer *than two successive terms of six years* or the office of United States Representative from Ohio for a period longer than *four successive terms of two years*. Terms are considered as being successive unless *separated by a period of four* or more years, and only terms beginning on or after January 1, 1993, can be considered in determining an individual's eligibility to hold these Congressional offices.

Term limit provisions applicable to these state and federal officials

Section 9 of Article V of the Ohio Constitution provides that, in determining the eligibility of an individual to hold a General Assembly office, state executive branch office, or Congressional office under Article II, III, or V of the Ohio Constitution, both of the following rules apply:

(1) Time spent in an office in *fulfillment of a term* to which another person was first elected must not be considered if at least four years has passed between (a) the time, if any, in which the individual previously held that office and (b) the time the individual is elected or appointed to fulfill the unexpired term.



(2) An individual who is elected to an office in a regularly scheduled general election and resigns prior to the completion of the elected term must be considered to have served the *full term* in that office.

Changes proposed by the joint resolution

The joint resolution proposes to submit to the electors of the state at the November 2, 1999, general election a proposal containing amendments to Section 2 of Article II and Section 2 of Article III of the Ohio Constitution that eliminate their previously described term limit provisions that apply to General Assembly members and to the Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Attorney General. The proposal does not affect existing law's "two successive terms of four years" term limit that applies to the Governor. (Art. II, §2, second paragraph, and Art. III, §2, second paragraph.)

The joint resolution also includes in the proposal an outright repeal of Section 8 of Article V of the Ohio Constitution (the term limit provisions that apply to members of Congress from Ohio) and Section 9 of Article V of the Ohio Constitution (the term limit provisions pertaining to "fulfilling the term of other individuals" and "resigning individuals" that apply to General Assembly members, state executive branch officials, and members of Congress from Ohio).

If adopted by a majority of the electors voting upon the proposal, the amendments to Article II, Section 2 and Article III, Section 2 as well as the outright repeals of Article V, Sections 8 and 9 will take effect on January 1, 2002.

COMMENT

The term limit provisions proposed to be eliminated by the joint resolution were proposed by initiative petition and adopted at the 1992 general election. Term limits for elected state government officials *other than Governor* had not previously been imposed under either the 1802 or the 1851 Ohio Constitution.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-10-99	p. 195

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