



Andrea Holmes

Final Analysis
Legislative Service Commission

Am. H.J.R. 3

127th General Assembly
(As Adopted by the General Assembly)

- Reps.** D. Stewart and Peterson, Beatty, DeWine, Book, Batchelder, Healy, Domenick, Brown, Yuko, Harwood, Sayre, Dodd, Koziura, Lundy, Foley, Brady, Heard, Otterman, Celeste, Yates, Szollosi, Sykes, Letson, Driehaus, Dyer, Carmichael, Flowers, Gibbs, Daniels, Collier, Reinhard, Schneider, Skindell, Bacon, Budish, Goyal, Hughes, Schlichter, Stebelton, Strahorn, Ujvagi, Wolpert
- Sens.** Amstutz, Buehrer, Carey, Cates, Fedor, Goodman, Harris, Kearney, D. Miller, Padgett, Roberts, Sawyer, Schaffer, Spada, Stivers, Wagoner, Cafaro

RESOLUTION SUMMARY

- Proposes amending the Ohio Constitution to increase to 125 days before an election the deadline for filing a statewide initiative or referendum petition, in order for the issue to appear on the ballot at that election.
- Proposes amending the Ohio Constitution to revise or establish other deadlines relative to the filing and processing of statewide initiative and referendum petitions.
- Specifies that the Ohio Supreme Court has original, exclusive jurisdiction over all challenges made to petitions and signatures on petitions for statewide initiatives and referenda.
- Places the proposed constitutional changes on the ballot at the general election to be held on November 4, 2008, and specifies that the changes will take immediate effect if adopted by the voters.

CONTENT AND OPERATION

Initiative and referendum process

Section 1 of Article II of the Ohio Constitution reserves to the people the powers of initiative and referendum. The power of **initiative** allows electors to

propose a statute, propose the amendment or repeal of a statute, or propose an amendment to the Constitution. The power of **referendum** allows electors to reject a statute enacted by the General Assembly before the statute takes effect.

To submit an initiative or referendum to the voters, a petition must be filed with the Secretary of State that meets certain standards, which are established in both the Ohio Constitution and the Revised Code. The Ohio Constitution specifies the required number of signatures for such a petition, the deadline for filing the petition, and the deadline for determining the validity of the signatures on the petition. Other details of the petition process, such as the manner in which signatures are verified, are established in the Revised Code.

Changes proposed by the resolution

Timing of petition process

Currently, petitions proposing initiatives must be filed with the Secretary of State at least 90 days before the day of the election at which the issue will appear on the ballot. Petitions proposing referenda must be filed with the Secretary of State at least 60 days before the day of the election at which the issue will appear on the ballot. The resolution increases this time to 125 days before the election (Ohio Constitution Article II, Sections 1a, 1b, and 1c). The resolution also increases other petition-related deadlines and, in some cases, establishes constitutional deadlines for the various aspects of the petition process. The following chart identifies the deadlines established in the resolution for filing and processing initiative and referendum petitions (Ohio Constitution Article II, Section 1g).

Activity	Current deadline	New deadline
Date petitions must be filed to appear on the ballot at an election	90 days before the election (initiatives); 60 days before the election (referenda)	125 days before the election
Date by which the sufficiency of the initial signatures must be determined	Not specified	105 days before the election
Deadline for filing challenges to the initial signatures	Not specified	95 days before the election
Deadline for the court to rule on challenges to the initial signatures or signatures will be presumed sufficient	40 days before the election	85 days before the election

Activity	Current deadline	New deadline
Deadline for seeking additional signatures	10 days after the petition is determined to be insufficient	10 days after the petition is determined to be insufficient (not later than 75 days before the election)
Date by which the sufficiency of the additional signatures must be determined	Not specified	65 days before the election
Deadline for filing challenges to the additional signatures	Not specified	55 days before the election
Deadline for the court to rule on challenges to the additional signatures or signatures will be presumed sufficient	Unclear	45 days before the election

Under the resolution, the final determination of petition validity must be completed not later than 45 days before the date of the election, or the petition signatures will be deemed to be sufficient. The 45-day deadline allows ten days for the boards of elections to prepare absent voter's ballots, which generally must be ready by the 35th day before the day of the election (R.C. 3509.01 and 3511.04).

Jurisdiction for petition challenges

The Ohio Constitution does not currently identify a court that has jurisdiction over the statewide petition process. Because petition signatures are verified on a county-by-county basis, challenges to signature decisions generally are brought in the county in which the signature was verified. Thus, a petition that includes signatures from 44 counties may be challenged separately in each of those counties. The resolution changes the challenge process by specifying that the Ohio Supreme Court has original, exclusive jurisdiction over all challenges made to petitions and signatures for statewide initiatives and referenda (Ohio Constitution Article II, Section 1g). Thus, under the resolution, all signature challenges would be decided by the Ohio Supreme Court, regardless of the county in which the signer resides or the petition was verified.

Placement of the proposed constitutional changes on the ballot

The resolution proposes placing these constitutional changes on the ballot at the general election to be held on November 4, 2008. If adopted by a majority of the electors voting on the proposal, the constitutional provisions would take immediate effect (effective date and repeal).

HISTORY

ACTION	DATE
Introduced	11-13-07
Reported, H. State Gov't & Elections	04-03-08
Adopted House (93-1)	05-20-08
Adopted Senate (33-0)	06-10-08

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