



Ohio Legislative Service Commission

Resolution Analysis

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S.J.R. 3

129th General Assembly
(As Introduced)

Sens. Cafaro, Brown, Schiavoni, Turner, Skindell, Smith, Sawyer, Kearney, Tavares

RESOLUTION SUMMARY

- Proposes a constitutional amendment to specify that for a period of two years after the voters approve a law proposed by initiative petition, the General Assembly may amend or repeal that law only by a vote of two-thirds of the members of each house.
- Under certain circumstances, requires a vote of two-thirds of the members of each house of the General Assembly to amend or repeal a law that is subject to the referendum or to enact, amend, or repeal an identical or substantially similar law.
- Extends the time to gather signatures for a referendum petition for petitioners who bring a successful legal challenge regarding their ability to undertake a referendum regarding a specific law.

CONTENT AND OPERATION

Amendment and repeal of certain laws

Initiated statutes

The resolution proposes an amendment to the Ohio Constitution to specify that for a period of two years after the voters approve a law proposed by initiative petition, the General Assembly may amend or repeal that law only by a vote of two-thirds of the members of each house.¹

¹ Ohio Const. Art. II, Sec. 1b.

Laws subject to the referendum

The proposed constitutional amendment also limits the ability of the General Assembly to amend, repeal, or reenact a law that is subject to the referendum. Under the following circumstances, the proposed constitutional amendment requires a vote of two-thirds of the members of each house of the General Assembly to amend or repeal a law, section of a law, or item in a law appropriating money, or to enact, amend, or repeal any law that is identical or substantially similar to that law, section, or item:²

- During the 90-day period in which a referendum petition may be filed with respect to the law, section, or item;
- After a sufficient referendum petition has been filed regarding the law, section, or item, until the results of the referendum election are certified, unless the petitioners withdraw the referendum; and
- For a period of two years after the voters reject the law, section, or item in a referendum election.

Time to circulate a referendum petition

Under the proposed constitutional amendment, if petitioners bring a legal challenge regarding their ability to undertake a referendum regarding a specific law, section of law, or item in a law appropriating money, and the court upholds the right to refer that law, section, or item, the petitioners have 90 days after that ruling to gather signatures for the referendum petition.

Under the current Ohio Constitution, court proceedings do not affect the 90-day deadline to circulate a referendum petition after a law is enacted and filed with the Secretary of State.³

Election and effective date

The resolution requires that the proposed constitutional amendment be submitted to the electors at the general election to be held November 6, 2012. Since that election date has already passed, the resolution will need to be amended in order for it to be placed on the ballot at a future election. If adopted by a majority of the electors voting on it, the proposed amendment will take effect immediately.

² Ohio Const. Art. II, Sec. 1c.

³ Ohio Const. Art. II, Sec. 1g.

HISTORY

ACTION

DATE

Introduced

11-28-11

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