

STATE ISSUE 1

Frank LaRose
Ohio Secretary of State



I, Frank LaRose, certify that printed within is the full text, ballot language, explanation, and arguments that were certified by the Ohio Ballot Board, or filed with the Secretary of State as prescribed by law, for the constitutional amendment proposed by joint resolution of the Ohio General Assembly pursuant to Article XVI, Section 1 of the Ohio Constitution.

IN TESTIMONY WHEREFORE, I have subscribed my name in Columbus, Ohio, this thirteenth day of June 2023.

In addition to certifying the following State Issue for the Special Election occurring August 8, 2023, R.C. 3505.062(G) and Ohio Constitution Article II, Section 1g require Secretary of State Frank LaRose to contract for the publication of this information once a week for three consecutive weeks preceding the election in at least one newspaper of general circulation in each county in the state.

Frank LaRose
Ohio Secretary of State

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TABLE OF CONTENTS

Issue 1	
Elevating the Standards to Qualify for an Initiated Constitutional Amendment and to Pass a Constitutional Amendment	
Ballot Language.....	1
Explanation for Issue 1.....	1
Argument FOR Issue 1.....	2
Argument AGAINST Issue 1.....	2
Full Text of Amendment	3

BALLOT LANGUAGE

Proposed Constitutional Amendment

ELEVATING THE STANDARDS TO QUALIFY FOR AN INITIATED CONSTITUTIONAL AMENDMENT AND TO PASS A CONSTITUTIONAL AMENDMENT

Proposed by Joint Resolution of the General Assembly

To amend Sections 1b, 1e, and 1g of Article II and Sections 1 and 3 of Article XVI of the Constitution of the State of Ohio

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- Require that any proposed amendment to the Constitution of the State of Ohio receive the approval of at least 60 percent of eligible voters voting on the proposed amendment.
- Require that any initiative petition filed on or after January 1, 2024 with the Secretary of State proposing to amend the Constitution of the State of Ohio be signed by at least five percent of the electors of each county based on the total vote in the county for governor in the last preceding election.
- Specify that additional signatures may not be added to an initiative petition proposing to amend the Constitution of the State of Ohio that is filed with the Secretary of State on or after January 1, 2024 proposing to amend the Constitution of the State of Ohio.

If passed, the amendment will be effective immediately.

SHALL THE AMENDMENT BE APPROVED?

- Yes
- No

EXPLANATION FOR ISSUE 1

Issue 1 asks eligible Ohio voters to consider an amendment to the Constitution of the State of Ohio proposed by a two-thirds majority of the Ohio General Assembly. The amendment, if approved, would elevate the standards by which the Constitution of the State of Ohio may be amended. Any newly proposed constitutional amendment placed on a statewide ballot must receive at least 60 percent of the vote to be approved. Any initiated petition proposing to amend the Constitution of the State of Ohio that is filed with the Secretary of State on or after January 1, 2024 must contain the signatures of at least five percent of the eligible voters residing in each county of the state. Finally, the amendment specifies that new signatures may not be added to an initiative petition proposing to amend the Constitution of the State of Ohio once it has been filed with the Secretary of State on or after January 1, 2024.

 ARGUMENT **FOR** ISSUE 1

Vote **YES** on Issue 1

Empower the People, Protect the Constitution

A **YES** vote on Issue 1 protects our Constitution from deep-pocketed, out-of-state interests. By passing Issue 1, the People will ensure constitutional changes are widely accepted and declare that Ohio's Constitution is not for sale.

Currently, special interests target Ohio, seeking to inject their own personal views and objectives into our state's most sacred document. Why? Because Ohio is one of the few states that allow these interests to directly enshrine their social preferences and corporate motives into the Constitution at the same threshold as everyday laws. Common sense tells us that this should not be the case. Instead, our constitutional rights should be broadly supported and shielded from well-financed special interests.

Voting **YES** on Issue 1 strengthens our Constitution by:

- **Elevating the standard.** By raising the threshold for constitutional amendments to 60%, the People will ensure amendments have widespread support and tell special interests that our Constitution is not up for grabs. This will protect Ohio's Constitution similar to the way the U.S. Constitution has been protected since our country's founding.
- **Empowering people across Ohio.** By requiring signatures from voters in every county, special interests will no longer be able to cherry pick where they gather signatures. Instead, starting January 1, 2024, a diverse and representative population of Ohioans will determine whether proposed amendments appear on the ballot.
- **Eliminating second bites at the apple.** By restricting do-overs on signature submissions, starting January 1, 2024, special interests will have one chance to play by the rules when gathering signatures to place proposed amendments on the ballot.

We, the People, must have our voices heard on August 8th. Empower yourself and your fellow Ohioans. Protect the Constitution. Vote **YES** on Issue 1.

Vote "YES" argument prepared by Representative Brian Stewart and Senator Rob McColley.

 ARGUMENT **AGAINST** ISSUE 1

Vote **"NO"** on Issue 1

This amendment would destroy citizen-driven ballot initiatives as we know them, upending our right to make decisions that directly impact our lives. It takes away our freedom by undermining the sacred principle of 'one person, one vote' and destroys majority rule in Ohio.

Last year, Ohio politicians eliminated August special elections saying, ***"Interest groups often manipulatively put issues on the ballot in August because they know fewer Ohioans are paying attention."***

And yet here we are, voting in August on just one question: **should Ohio permanently abolish the basic constitutional right of majority rule?**

Special interests and corrupt politicians say yes. They don't like voters making decisions, so they're trying to rewrite the rules to get what they want: even more power.

Here's why we're confident Ohio citizens will resoundingly vote NO:

- Issue 1 Ends Majority Rule:** It means just 40% of voters can block any issue, putting 40% of voters in charge of decision-making for the majority.
- Issue 1 Shreds Our Constitution:** It would permanently undo constitutional protections that have been in place for over 100 years to check politicians' power at the ballot box.
- Issue 1 Takes Away Our Freedom:** It would destroy citizen-driven ballot initiatives as we know them, guaranteeing that only wealthy special interests could advance changes to our constitution.
- Issue 1 Applies to All Issues:** If this amendment passes, it will apply to every single amendment on any issue Ohioans will ever vote on – you name it, just 40% of voters will decide.

We all deserve to make decisions that impact our lives. We must protect our freedom to determine our future, not permanently change our constitution to give up our rights. Vote NO.

Vote "NO" argument prepared by Senators Paula Hicks-Hudson and Vernon Sykes and Representatives Dontavius Jarrells, Bride Rose Sweeney, and Dani Isaacsohn.

Full Text of Amendment

(135th General Assembly)
(Amended Substitute Senate Joint Resolution Number 2)

A JOINT RESOLUTION

Proposing to amend Sections 1b, 1e, and 1g of Article II and Sections 1 and 3 of Article XVI of the Constitution of the State of Ohio to require a vote of at least 60% of the electors to approve any constitutional amendment and to modify the procedures for an initiative petition proposing a constitutional amendment.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that a special election is hereby called to be held on August 8, 2023, such election being prescribed pursuant to the authority provided by Section 1 of Article XVI of the Constitution of the State of Ohio, and which election shall be conducted pursuant to all applicable laws, for the purpose of submitting to the electors of the state a proposal to amend Sections 1b, 1e, and 1g of Article II and Sections 1 and 3 of Article XVI of the Constitution of the State of Ohio to read as follows:

ARTICLE II

Section 1b. When at any time, not less than ten days prior to the commencement of any session of the general assembly, there shall have been filed with the secretary of state a petition signed by three per centum of the electors and verified as herein provided, proposing a law, the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the general assembly as soon as it convenes. If said proposed law shall be passed by the general assembly, either as petitioned for or in an amended form, it shall be subject to the referendum. If it shall not be passed, or if it shall be passed in an amended form, or if no action shall be taken thereon within four months from the time it is received by the general assembly, it shall be submitted by the secretary of state to the electors for their approval or rejection, if such submission shall be demanded by supplementary petition verified as herein provided and signed by not less than three per centum of the electors in addition to those signing the original petition, which supplementary petition must be signed and filed with the secretary of state within ninety days after the proposed law shall have been rejected by the general assembly or after the expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the general assembly shall have been filed by the governor in the office of the secretary of state. The proposed law shall be submitted at the next regular or general election occurring subsequent to one hundred twenty-five days after the supplementary petition is filed in the form demanded by such supplementary petition, which form shall be either as first petitioned for or with any amendment or amendments which may have been incorporated therein by either branch or by both branches, of the general assembly. If a proposed law so submitted is approved by a majority of the electors voting thereon, it shall be the law and shall go into effect as herein provided in lieu of any amended form of said law which may have been passed by the general assembly, and such amended law passed by the general assembly shall not go into effect until and unless the law proposed by supplementary petition shall have been rejected by the electors. All such initiative petitions, last above described, shall have printed across the top thereof, in case of proposed laws: "Law Proposed by Initiative Petition First to be Submitted to the General Assembly." Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors. ~~Any~~

~~Any proposed law or amendment to the constitution submitted to the electors~~

as provided in 1a and 1b, if approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which it was approved and shall be published by the secretary of state. ~~If Any proposed amendment to the constitution submitted to the electors as provided in sections 1a and 1b of this article, if approved by at least sixty per cent of the electors voting thereon, shall take effect thirty days after the election at which it was approved and shall be published by the secretary of state.~~

~~If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total the required number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law, or in the case of amendments to the constitution shall be the amendment to the constitution. ~~No~~~~

~~No law proposed by initiative petition and approved by the electors shall be subject to the veto of the governor.~~

Section 1e. (A) The powers defined herein as the "initiative" and "referendum" shall not be used to pass a law authorizing any classification of property for the purpose of levying different rates of taxation thereon or of authorizing the levy of any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon or to personal property.

(B)(1) Restraint of trade or commerce being injurious to this state and its citizens, the power of the initiative shall not be used to pass an amendment to this constitution that would grant or create a monopoly, oligopoly, or cartel, specify or determine a tax rate, or confer a commercial interest, commercial right, or commercial license to any person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, however organized, that is not then available to other similarly situated persons or nonpublic entities.

(2) If a constitutional amendment proposed by initiative petition is certified to appear on the ballot and, in the opinion of the Ohio ballot board, the amendment would conflict with division (B)(1) of this section, the board shall prescribe two separate questions to appear on the ballot, as follows:

(a) The first question shall be as follows:

"Shall the petitioner, in violation of division (B)(1) of Section 1e of Article II of the Ohio Constitution, be authorized to initiate a

constitutional amendment that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?"

(b) The second question shall describe the proposed constitutional amendment.

(c) If both questions are approved or affirmed by a majority at least sixty per cent of the electors voting on them, then the constitutional amendment shall take effect. If only one question is approved or affirmed by a majority at least sixty per cent of the electors voting on it, then the constitutional amendment shall not take effect.

(3) If, at the general election held on November 3, 2015, the electors approve a proposed constitutional amendment that conflicts with division (B)(1) of this section with regard to the creation of a monopoly, oligopoly, or cartel for the sale, distribution, or other use of any federal Schedule I controlled substance, then notwithstanding any severability provision to the contrary, that entire proposed constitutional amendment shall not take effect. If, at any subsequent election, the electors approve a proposed constitutional amendment that was proposed by an initiative petition, that conflicts with division (B)(1) of this section, and that was not subject to the procedure described in division (B)(2) of this section, then notwithstanding any severability provision to the contrary, that entire proposed constitutional amendment shall not take effect.

(C) The supreme court of Ohio shall have original, exclusive jurisdiction in any action that relates to this section.

Section 1g. (A) Any initiative, supplementary, or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative, supplementary, or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence. A signer residing outside of a municipality shall state the county and the rural route number, post office address, or township of his residence. A resident of a municipality shall state the street and number, if any, of his residence and the name of the municipality or post office address. The names of all signers to such petitions shall be written in ink, each signer for himself. To each part of such petition shall be attached the statement of the circulator, as may be required by law, that he witnessed the affixing of every signature. The secretary of state shall determine the sufficiency of the signatures not later than one hundred five days before the election.

(B) The Ohio supreme court shall have original, exclusive jurisdiction over all challenges made to petitions and signatures upon such petitions under this section. Any challenge to a petition or signature on a petition shall be filed not later than ninety-five days before the day of the election. The court shall hear and rule on any challenges made to petitions and signatures not later than eighty-five days before the election. If no ruling determining the petition or signatures to be insufficient is

full text of amendment continued

issued at least eighty-five days before the election, the petition and signatures upon such petitions shall be presumed to be in all respects sufficient.

(C) If the petitions or signatures are a referendum petition or an initiative petition proposing a law is determined to be insufficient, ten additional days shall be allowed for the filing of additional signatures to such petition. No additional signatures may be filed to an initiative petition proposing an amendment to the constitution. If additional signatures are filed, the secretary of state shall determine the sufficiency of those additional signatures not later than sixty-five days before the election. Any challenge to the additional signatures shall be filed not later than fifty-five days before the day of the election. The court shall hear and rule on any challenges made to the additional signatures not later than forty-five days before the election. If no ruling determining the additional signatures to be insufficient is issued at least forty-five days before the election, the petition and signatures shall be presumed to be in all respects sufficient.

(D) No law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving an the required number of affirmative majority of the votes east thereon, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency. Uppon

(E) Upon all initiative, supplementary, and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state, petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county, except that upon an initiative petition proposing an amendment to the constitution, it shall be necessary to file from each county of the state petitions bearing the signatures of not less than five per cent of the electors of the county. A

(F) A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law, section, or item, submitted to the electors by referendum petition, may be named in such petition and the persons who prepare the argument or explanation, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section, or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by the general assembly, if in session, and if not in session then by the governor. The law, or proposed law, or proposed amendment to the constitution, together with the arguments and explanations, not exceeding a total of three hundred words for each, and also the arguments and explanations, not exceeding a total of three hundred words against each, shall be published once a week for three consecutive weeks preceding the election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published. The

(G) The secretary of state shall cause to be placed upon the ballots, the ballot language for any such law, or proposed law, or proposed amendment to the constitution, to be submitted. The ballot language shall be prescribed by the Ohio ballot board in the same manner, and subject to the same terms and conditions, as apply to issues submitted by the general assembly pursuant to Section 1 of Article XVI of this constitution. The ballot language shall be so prescribed and the secretary of state shall cause the ballots so to be printed as to permit an affirmative or negative vote upon each law, section of law, or item in a law appropriating money, or proposed law, or proposed amendment to the constitution. The

(H) The style of all laws submitted by initiative and supplementary petition shall be: "Be it Enacted by the People of the State of Ohio," and of all constitutional amendments: "Be it Resolved by the People of the State of Ohio." The

(I) The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor. The

(J) The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved.

(K) The requirements of divisions (C) and (E) of this section, as amended by this amendment, apply to initiative petitions proposing constitutional amendments that are filed with the secretary of state on or after January 1, 2024.

ARTICLE XVI

Section 1. Either branch of the general assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be filed with the secretary of state at least ninety days before the date of the election at which they are to be submitted to the electors, for their approval or rejection. They shall be submitted on a separate ballot without party designation of any kind, at either a special or a general election as the general assembly may prescribe.

The ballot language for such proposed amendments shall be prescribed by a majority of the Ohio ballot board, consisting of the secretary of state and four other members, who shall be designated in a manner prescribed by law and not more than two of whom shall be members of the same political party. The ballot language shall properly identify the substance of the proposal to be voted upon. The ballot need not contain the full text nor a condensed text of the proposal. The board shall also prepare an explanation of the proposal, which may include its purpose and effects, and shall certify the ballot language and the explanation to the secretary of state not later than seventy-five days before the election. The ballot language and the explanation shall be available for public inspection in the office of the secretary of state.

The supreme court shall have exclusive, original jurisdiction in all cases challenging the adoption or submission of a proposed constitutional amendment to the electors. No such case challenging the ballot language, the explanation, or the actions or procedures of the general assembly in adopting and submitting a constitutional amendment shall be filed later than sixty-four days before the election. The ballot language shall not be held invalid unless it is such as to mislead, deceive, or defraud the voters.

Unless the general assembly otherwise provides by law for the preparation of arguments for and, if any, against a proposed amendment, the board may prepare such arguments.

Such proposed amendments, the ballot language, the explanations, and the arguments, if any, shall be published once a week for three consecutive weeks preceding such election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published. The general assembly shall provide by law for other dissemination of information in order to inform the electors concerning proposed amendments. An election on a proposed constitutional amendment submitted by the general assembly shall not be enjoined nor invalidated because the explanation, arguments, or other information is faulty in any way. If the majority at least sixty per cent of the electors voting on the same shall adopt such amendments the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately.

Section 3. At the general election to be held in the year one thousand nine hundred and thirty two and in each twentieth year thereafter, the question: "Shall there be a convention to revise, alter, or amend the constitution", shall be submitted to the electors of the state; and in case a majority of the electors, voting for and against the calling of a convention, shall decide in favor of a convention, the general assembly, at its next session, shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding section; but no amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect, until the same shall have been submitted to the electors of the state, and adopted by a majority at least sixty per cent of those voting thereon.

EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal, Sections 1b, 1e, and 1g of Article II and Sections 1 and 3 of Article XVI of the Constitution of the State of Ohio amended by this proposal shall take effect immediately and the existing versions of Sections 1b, 1e, and 1g of Article II and the existing versions of Sections 1 and 3 of Article XVI of the Constitution of the State of Ohio shall be repealed effective immediately.