

From: "Oyster, Matt"

Date: May 9, 2023 3:42 PM

Subject: Constitutional Amendment Proposed by Joint Resolution of the General Assembly

To: "Fortney, John"

John,

Below are the case and constitutional citations (with hyperlinks) as well as relevant excerpts therefrom. Please let me know if anything further may be needed.

[State ex rel. Foreman v. Brown](#), 10 Ohio St.2d 139, 226 N.E.2d 116 (1967), paragraph one of the syllabus: “Section 1 of Article XVI empowers the General Assembly to provide for submission of a constitutional amendment, proposed by the General Assembly pursuant to that section, at a special election on a certain day; and the General Assembly may authorize such election by a joint resolution without enacting a statute.”

[Article XVI, Section 1 of the Ohio Constitution](#): “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.”

Best,

Matt O.

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On a certain date.

Unlike in many other parts of the Ohio Constitution, Section 1 of Article XVI does not require that this action be "by law," *i.e.*, by enactment of a statute. Cf. Section 16 of Article I, Section 21 of Article II, Section 22 of Article II, Section 27 of Article II, Section 4 of Article III, Section 8 of Article IV, Section 3 of Article VI, Section 3 of Article XIII, Section 2 of Article XV, Section 3 of Article XV, Section 8 of Article XV, Section 2 of Article XVI, Section 2 of Article XVII, Section 14 of Article XVIII.

Hence, we are of the opinion that the General Assembly may authorize such special election on a certain date by a joint resolution without enacting a statute.

In State, ex rel. Attorney General, v. Kinney,

Secy. of State (1905), 56 Ohio St. 47 (1905),
N.E. 5 (1905) (Citing *Kinney*),
which involved Section 2 of Article XVI as



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