

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. J. R. No. 1

Senator Faber

**Cosponsors: Senators Bacon, Beagle, Hottinger, LaRose, Obhof, Oelslager,
Patton, Seitz, Widener, Williams**

JOINT RESOLUTION

Proposing to amend Sections 4, 20, and 31 of Article 1
II, Section 19 of Article III, and Section 6 of 2
Article IV and to enact Section 20a of Article II 3
of the Constitution of the State of Ohio to 4
establish the Public Office Compensation 5
Commission. 6

Be it resolved by the General Assembly of the State of 7
Ohio, three-fifths of the members elected to each house 8
concurring herein, that there shall be submitted to the 9
electors of the state, in the manner prescribed by law at the 10
general election to be held on November 3, 2015, a proposal 11
to amend Sections 4, 20, and 31 of Article II, Section 19 of 12
Article III, and Section 6 of Article IV and to enact Section 13
20a of Article II of the Constitution of the State of Ohio to 14
read as follows: 15

ARTICLE II 16

Section 4. No member of the general assembly shall, 17
during the term of office for which ~~he~~the member was 18

19 elected, unless during such term ~~he~~the member resigns
20 therefrom, hold any public office under the United States, or
21 this state, or a political subdivision thereof; but this
22 provision does not extend to officers of a political party,
23 notaries public, or officers of the militia or of the United
24 States armed forces.

25 No member of the general assembly shall, during the term
26 of office for which ~~he~~the member was elected, or for one year
27 thereafter, be appointed to any public office under this state,
28 which office was created ~~or the compensation of which was~~
29 ~~increased,~~ during the term of office for which ~~he~~the member was
30 elected.

31 **Section 20.** The General Assembly, in cases not provided
32 for in this constitution, shall fix the term of office of all
33 officers and the compensation of all nonelected officers; but no
34 change therein shall affect the salary of any nonelected officer
35 during ~~his~~the nonelected officer's existing term of office,
36 unless the office be abolished.

37 **Section 20a.** (A) The Public Office Compensation Commission
38 is created. The Commission consists of the following nine voting
39 members: two members appointed by the Governor; two members
40 appointed by the President of the Senate; two members appointed
41 by the Speaker of the House of Representatives; one member
42 appointed by the Minority Leader of the Senate; one member
43 appointed by the Minority Leader of the House of
44 Representatives; and one member appointed by the Chief Justice
45 of the Supreme Court. The following are not eligible to be
46 appointed as a member of the Commission: (1) an officer or
47 employee of the state or a political subdivision of the state or
48 a family member, as defined by law, of an officer or employee of
49 the state or a political subdivision of the state; (2) an

individual who, within twelve months before appointment, was a 50
candidate for election to a public office in the state; or (3) 51
an individual who engages during at least a portion of the 52
individual's time to actively advocate legislation on behalf of 53
another. 54

Terms of members of the Commission are for two years. 55
Members may not serve more than four consecutive terms. The 56
Commission chairperson shall be selected by majority vote of all 57
members of the Commission. Members are not entitled to 58
compensation, but shall be reimbursed for actual and necessary 59
expenses incurred in the performance of Commission duties. A 60
vacancy among the members of the Commission shall be filled in 61
the manner prescribed for the original appointment. 62

(B)(1) The Public Office Compensation Commission shall 63
meet each even-numbered year to review the current compensation 64
of each elected public office in the state. The Commission shall 65
consider such factors as are provided by law, including the 66
amount of compensation paid to similarly skilled individuals in 67
the private sector, the amount of compensation paid to 68
individuals in comparable elected public offices in other 69
states, and the current financial condition of and within Ohio. 70
After completing its review, the Commission, by vote of at least 71
five of its members, shall prepare a proposed compensation plan 72
that sets forth the compensation of each elected public office 73
in the state. The Commission shall prepare a report of its 74
proposed compensation plan and shall present the proposed 75
compensation plan and report at not less than three public 76
hearings in the state in order to obtain public input regarding 77
the proposed compensation plan. After conducting its public 78
hearings, the Commission, by vote of at least five of its 79
members, shall issue a final compensation plan that sets forth 80

the compensation of each elected public office in the state. The 81
Commission shall prepare a report of its final compensation plan 82
not later than the last day of December in each even-numbered 83
year. 84

If a proposed or final compensation plan increases or 85
decreases the compensation amount of an elected public office by 86
greater than the lesser of the following, the Commission shall 87
include, in its accompanying report, specific factors that 88
support the increase or decrease: 89

(a) Three per cent; or 90

(b) The percentage increase, if any, in the consumer price 91
index, or a generally available comparable index, over the 92
twelve-month period that ends on the thirtieth day of September 93
of the immediately preceding year, rounded to the nearest one- 94
tenth of one per cent. 95

(2) The compensation amounts set forth in the final 96
compensation plan for each elected public office in the state 97
take effect on the first day of July of the following odd- 98
numbered year unless, before that day, the General Assembly, by 99
a three-fifths vote of the members elected to each house, adopts 100
a concurrent resolution rejecting one or more of the 101
compensation amounts. 102

If the General Assembly rejects a final compensation plan 103
or portion thereof, a member of the General Assembly who, at the 104
time the plan was voted on, voted or would have been entitled to 105
vote thereon, is not entitled to an increase in compensation for 106
the duration of the member's term of office. 107

(C) This section does not affect the compensation of a 108
county officer elected under a county charter that has been 109

adopted under Article X, Sections 3 and 4 of this constitution, 110
or the compensation of an officer of a municipal corporation 111
elected under the power of local self-government as exercised by 112
a municipal corporation under Article XVIII, Sections 3 and 7 of 113
this constitution. 114

Section 31. The ~~members and officers~~ of the General 115
Assembly shall receive a fixed compensation, ~~to be prescribed by~~ 116
~~law, and no other allowance or perquisites, either in the~~ 117
~~payment of postage or otherwise; and no change in their~~ 118
~~compensation shall take effect during their term of office.~~ as 119
provided for in Article II, Section 20a of this constitution. 120

ARTICLE III 121

Section 19. The officers mentioned in this article shall, 122
at stated times, receive, for their services, ~~a compensation to~~ 123
~~be established by law, which shall neither be increased nor~~ 124
~~diminished during the period for which they shall have been~~ 125
~~elected~~ as provided for in Article II, Section 20a of this 126
constitution. 127

ARTICLE IV 128

Section 6. (A) (1) The chief justice and the justices of 129
the supreme court shall be elected by the electors of the state 130
at large, for terms of not less than six years. 131

(2) The judges of the courts of appeals shall be elected 132
by the electors of their respective appellate districts, for 133
terms of not less than six years. 134

(3) The judges of the courts of common pleas and the 135
divisions thereof shall be elected by the electors of the 136
counties, districts, or, as may be provided by law, other 137

subdivisions, in which their respective courts are located, for 138
terms of not less than six years, and each judge of a court of 139
common pleas or division thereof shall reside during ~~his~~the 140
judge's term of office in the county, district, or subdivision 141
in which ~~his~~the judge's court is located. 142

(4) Terms of office of all judges shall begin on the days 143
fixed by law, and laws shall be enacted to prescribe the times 144
and mode of their election. 145

(B) The judges of the supreme court, courts of appeals, 146
courts of common pleas, and divisions thereof, and of all courts 147
of record established by law, shall, at stated times, receive, 148
for their services such compensation as ~~may be provided by law,~~ 149
~~which shall not be diminished during their term of office~~for in 150
Article II, Section 20a of this constitution. The compensation 151
of all judges of the supreme court, except that of the chief 152
justice, shall be the same. The compensation of all judges of 153
the courts of appeals shall be the same. Common pleas judges and 154
judges of divisions thereof, and judges of all courts of record 155
established by law shall receive such compensation as ~~may be~~ 156
~~provided by law~~for in Article II, Section 20a of this 157
constitution. Judges shall receive no fees or perquisites, nor 158
hold any other office of profit or trust, under the authority of 159
this state, or of the United States. All votes for any judge, 160
for any elective office, except a judicial office, under the 161
authority of this state, given by the general assembly, or the 162
people shall be void. 163

(C) No person shall be elected or appointed to any 164
judicial office if on or before the day when ~~he~~the person shall 165
assume the office and enter upon the discharge of its duties ~~he~~ 166
the person shall have attained the age of seventy years. Any 167
voluntarily retired judge, or any judge who is retired under 168

this section, may be assigned with ~~his~~the judge's consent, by 169
the chief justice or acting chief justice of the supreme court 170
to active duty as a judge and while so serving shall receive the 171
established compensation for such office, computed upon a per 172
diem basis, in addition to any retirement benefits to which ~~he~~ 173
the judge may be entitled. Laws may be passed providing 174
retirement benefits for judges. 175

SCHEDULE I 176

The Public Office Compensation Commission shall meet in 177
2015 to review the current compensation of each elected public 178
office in the state. The Commission shall issue a proposed 179
compensation plan and final compensation plan, and the 180
accompanying reports, not later than December 31, 2015, in 181
accordance with the process in Article II, Section 20a of the 182
Constitution. 183

The compensation amounts set forth in the final 184
compensation plan for each elected public office in the state 185
shall take effect on July 1, 2016, unless, before that day, the 186
General Assembly, by a three-fifths vote of the members elected 187
to each house, adopts a concurrent resolution rejecting one or 188
more of the compensation amounts. 189

If the General Assembly rejects a final compensation plan 190
or portion thereof, a member of the General Assembly who, at the 191
time the plan was voted on, voted or would have been entitled to 192
vote thereon, is not entitled to an increase in compensation for 193
the duration of the member's term of office. 194

SCHEDULE II 195

The term of an initial appointment to the Commission 196
begins upon appointment and ends December 31, 2017. 197

If, by November 13, 2015, one or more appointments have 198
not been made to the Commission, a majority of the members of 199
the Commission who have been appointed by that date shall 200
appoint, not later than November 15, 2015, a sufficient number 201
of individuals to the Commission so that the Commission consists 202
of nine voting members, and shall notify the Governor, President 203
of the Senate, Speaker of the House of Representatives, Minority 204
Leader of the Senate, Minority Leader of the House of 205
Representatives, and Chief Justice of the Supreme Court of the 206
appointments. 207

SCHEDULE III 208

Some of the proposed amendments to Ohio Constitution, 209
Article II, Sections 4 and 20, and Article IV, Section 6, 210
replace gender specific language with gender neutral language. 211
These amendments are not intended to make substantive changes in 212
the Ohio Constitution. The gender neutral language shall be 213
interpreted as a restatement of, and substituted in a continuing 214
way for, the corresponding gender specific language existing 215
prior to adoption of the proposal. 216

EFFECTIVE DATE AND REPEAL 217

If adopted by a majority of the electors voting on this 218
proposal, Sections 4, 20, and 31 of Article II, Section 19 of 219
Article III, and Section 6 of Article IV of the Constitution of 220
the State of Ohio as amended by this proposal and Section 20a of 221
Article II of the Constitution of the State of Ohio shall take 222
effect immediately and existing Sections 4, 20, and 31 of 223
Article II, Section 19 of Article III, and Section 6 of Article 224
IV of the Constitution of the State of Ohio are repealed 225
effective immediately. 226