

Issue 2

Anti-monopoly amendment; protects the initiative process from being used for personal economic benefit

Proposed Constitutional Amendment

Proposed by Joint Resolution of the General Assembly

Proposing to amend Section 1e of Article II of the Constitution of the State of Ohio.

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

The proposed amendment would:

- Prohibit any petitioner from using the Ohio Constitution to grant a monopoly, oligopoly, or cartel for their exclusive financial benefit or to establish a preferential tax status.
- Prohibit any petitioner from using the Ohio Constitution to grant a commercial interest, right, or license that is not available to similarly situated persons or nonpublic entities.
- Require the bipartisan Ohio Ballot Board to determine if a proposed constitutional amendment violates the prohibitions above, and if it does, present two separate ballot questions to voters. Both ballot questions must receive a majority yes vote before the proposed amendment could take effect.
- Prohibit from taking effect any proposed constitutional amendment appearing on the November 3, 2015 General Election ballot that creates a monopoly, oligopoly, or cartel for the sale, distribution, or other use of any federal Schedule I controlled substance.
- The Ohio Supreme Court has original, exclusive jurisdiction in any action related to the proposal.

If passed, the amendment will become effective immediately.

	YES	SHALL THE AMENDMENT BE APPROVED?
	NO	

Explanation for Issue 2

The proposed amendment would prohibit any individual or entity from proposing a constitutional amendment that would grant a monopoly, oligopoly, or cartel, specify or determine a tax rate, or confer a commercial interest, right, or license that is not available to similarly situated people or nonpublic agencies.


If the Ohio Ballot Board determines that a citizen-proposed constitutional amendment violates those prohibitions, two separate ballot questions must be presented to voters: The first ballot question is should Ohio's Constitution be amended to allow a monopoly, oligopoly, cartel, special tax rate, or commercial interest, right, or license not available to others in the Ohio Constitution? The second question is should this particular monopoly be allowed? Both questions must receive a majority yes vote in order to become effective.

The proposal would prohibit from taking effect any proposed constitutional amendment that appears on the November 3, 2015, statewide ballot creating a monopoly, oligopoly, or cartel for the sale, distribution, or other use of any federal Schedule I controlled substance.

CERTIFICATION

Acting in my capacity as the secretary of the Ohio Ballot Board, I hereby certify to the Secretary of the State of Ohio that the foregoing text is the explanation prescribed by the Ohio Ballot Board, acting pursuant to Article XVI, Section 1 of the Ohio Constitution and section 3505.062 of the Revised Code of Ohio, for this constitutional amendment proposed by petition for submission to the Ohio electorate at the election to be held on November 3, 2015.

In testimony whereof, I have subscribed my name in Columbus, Ohio, this 18th day of August, 2015.



Secretary, Ohio Ballot Board

Vote YES on Issue 2

Protect Our Constitution from Monopoly Interests

Your Yes Vote on Issue 2 Will:

- Ensure that Ohio's Constitution is not for sale and **prohibit special interests** from amending the Constitution to create **monopolies, oligopolies or cartels**.
- **Prohibit special interests** from buying an amendment to our Constitution that creates **permanent preferential tax rates or commercial rights** for themselves or for any business.
- Prohibit special interests from amending our Constitution to guarantee financial profits for themselves or get special economic privileges that are not available to other similarly situated persons or entities.
- Ensure that our Constitution is used as intended by its framers – for matters that benefit the broad public interest.
- Ensure that our Constitution cannot be abused and corrupted by those interested in obtaining exclusive deals and special commercial benefits.
- Uphold our state's traditional spirit and traditional meaning of free commerce, fair trade and fair dealing.

Why Ohio Needs Issue 2:

- The Constitution should be used to protect fundamental rights of all individuals, not to guarantee financial profits for a select few.
- Special interests are using our state's initiative process to create exclusive financial benefits for themselves in our Constitution. They are writing themselves exclusive constitutionally protected monopolies in our most important document.
- These special interests hire political operatives to push proposed amendments that would give investors monopoly control over certain commercial activities.
- Ohio's citizens' initiative process has existed since 1912 and was intended to be used only in the broad public interest, never for maximizing private return on investment for self-interested investors or any corporations they form.
- Nineteen states have constitutional provisions banning monopolies. It is time for Ohio to become the twentieth state.

End the special deals for special interests, **vote YES for Issue 2**

*Prepared by Senator Keith Faber and
Representatives Ryan Smith, Mike Curtin, and David Leland*

Argument Against State Issue 2

The basic structure of the people's ability to amend the Ohio Constitution by initiative petition dates to 1912. The status quo is adequate.

House Joint Resolution 4 attempts to limit the potential personal financial benefit to the donors who pay for the signature gathering activities sometimes used to place ballot issues before the voters. There is no reason to prevent anyone from amending the Ohio Constitution, even if it is for selfish, personal benefit, so long as the people support it by a majority vote.

Some opponents of House Joint Resolution 4 say that the language is too vague and might unintentionally preclude future public policy considerations from being brought by the initiated constitutional amendment process.

If adopted, House Joint Resolution 4 would prohibit from taking effect any proposed constitutional amendment adopted at the general election of November 3, 2015 that creates a monopoly, oligopoly, or cartel for the sale, distribution, or other use of any federal Schedule I controlled substance. If the people of Ohio want to allow the creation of a monopoly or cartel, they should be given the opportunity to do so, and no barriers should stand in their way.

JOINT RESOLUTION

Proposing to amend Section 1e of Article II of the Constitution of the State of Ohio to prohibit an initiated constitutional amendment that would grant a monopoly, oligopoly, or cartel, specify or determine a tax rate, or confer a commercial interest, right, or license to any person or nonpublic entity.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 3, 2015, a proposal to amend Section 1e of Article II of the Constitution of the State of Ohio to read as follows:

ARTICLE II

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 of the electors voting on them, then the constitutional amendment shall take effect. If only one question is approved or affirmed by a majority 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.

EFFECTIVE DATE AND REPEAL

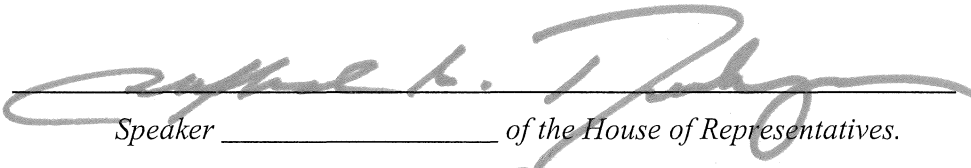
If adopted by a majority of the electors voting on this proposal, Section 1e of Article II as amended by this proposal shall take immediate effect and existing Section 1e of Article II of the Constitution of the State of Ohio shall be repealed from that effective date.

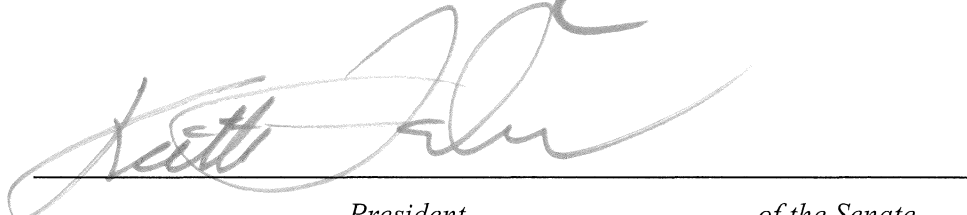
SCHEDULE

Division (B)(1) of Section 1e of Article II of the Constitution of the State of Ohio, as amended by this proposal, does not apply to any provision of the Constitution of the State of Ohio in effect prior to the effective date of that amendment.

Sub. H. J. R. No. 4

131st G.A.


Speaker _____ of the House of Representatives.


President _____ of the Senate.

Adopted June 30, 2015

JOINT RESOLUTION

Proposing to amend Section 1e of Article II of the Constitution of the State of Ohio to prohibit an initiated constitutional amendment that would grant a monopoly, oligopoly, or cartel, specify or determine a tax rate, or confer a commercial interest, right, or license to any person or nonpublic entity.

Introduced by

Representatives Smith, R., Curtin

Cosponsors: Representatives Brown, Buchy, Derickson, Green, McColley, Amstutz, Anielski, Blessing, Boose, Burkley, Butler, Conditt, Dever, Dovilla, Ginter, Grossman, Hackett, Hagan, Hall, Hayes, Henne, Hill, Huffman, Johnson, T., Koehler, Kraus, Landis, Maag, Manning, McClain, Perales, Reineke, Retherford, Rezabek, Ryan, Schaffer, Scherer, Schuring, Sears, Slaby, Sprague, Terhar, Thompson, Speaker Rosenberger Senators Faber, Bacon, Balderson, Burke, Hite, Hottinger, Lehner, Peterson, Uecker, Widener

Adopted by the House of Representatives,

June 24, 2015

Adopted by the Senate,

June 30, 2015

*Filed in the office of the Secretary of State at
Columbus, Ohio, on the*

____ day of _____, A. D. 20____



Secretary of State.

*Concurred in
Senate amendments,
June 30, 2015.*