

PROPOSED BIENNIAL ELECTIONS AMENDMENT, 1889

Proposed by joint resolution of the General Assembly, January 8, 1889. Submitted to electors, November 5, 1889.

Total vote cast . . . . .	780,304
For amendment . . . . .	257,662
Against amendment . . . . .	254,215
Not adopted.	

AMENDMENT NO. 4

SECTION 1. *Be it resolved by the General Assembly of the State of Ohio*, that propositions shall be submitted to the electors of this state on the first Tuesday after the first Monday in November, 1889, to amend section 25 of Article II, section 18 of Article III, sections 2, 6, 7, 9, 10, 12, 13 and 16, and to create section 11 of Article IV, section 12, of Article VIII, sections 2 and 4 of Article X, and section 3 of Article XVI, of the Constitution of the state of Ohio, so they shall read as follows:

ARTICLE II

SEC. 25. The regular session of each general assembly shall commence on the first Monday of January next after it is chosen.

ARTICLE III

SEC. 18. Whenever the office of secretary of state, auditor of state, treasurer of state, or attorney-general becomes vacant, for any of the causes mentioned in section 15 of this article, the governor shall fill the vacancy

by appointment for the residue of the term, or until the disability is removed.

ARTICLE IV.

SEC. 2. The supreme court shall, until otherwise provided by law, consist of five judges, a majority of whom, competent to sit, shall be necessary to form a quorum or pronounce a decision, except as herein provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus, and procedendo, and appellate jurisdiction as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large, and for such term of even years as may be provided by law. Whenever the number of such judges is increased, the general assembly may authorize the court to organize divisions thereof, not exceeding three, each division to consist of an equal number of judges; and such an assignment of cases shall be made to each division as a majority of all the judges may direct. A majority of each division shall be necessary to form a quorum; but whenever all the judges hearing a case in any division shall not concur in a decision, or whenever a case involves the constitutionality of a statute, or the construction of the Constitution of this state or of the United States, it shall be reserved to the whole court for decision.

SEC. 6. The state shall be divided into judicial circuits of compact territory, bounded by county lines, in each of which the same number of circuit judges, residing therein, shall be elected by the electors thereof and for such term of even years as may be provided by law. The circuit court shall be composed of such number of judges as may be provided by law, and shall be held in each

county at least once in each year; and more than one court may be held at the same time in any circuit. A circuit judge may be assigned to hold court in any circuit. The circuit court shall have the same original jurisdiction as the supreme court, and such appellate jurisdiction as may be provided by law.

SEC. 7. A probate court shall be established in each county, which shall be a court of record, open at all times, and held by one judge, elected by the electors of the county, whose term of office shall be four years, and who shall receive such compensation, payable out of the county treasury, or by fees, or both as may be provided by law.

SEC. 9. Justices of the peace shall be elected by the electors in each township, on the first Tuesday after the first Monday in November in the odd years, and their powers and duties shall be prescribed by law. Their terms of office shall be four years, and shall commence on the first day of January next after their election. Vacancies occurring in the office shall be filled by appointment until the first day of January after the next election for township officers.

SEC. 10. All judges, other than those provided for in this Constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term than six years.

SEC. 11. The judges of the several courts provided for in this Constitution shall be elected in the even years, on the first Tuesday after the first Monday in November, and their terms of office, whether chosen for a full term, or to fill a vacancy, shall commence on the first day of January next after their election.

SEC. 12. The judges of the common pleas court shall

reside, while in office, in the district from which they are elected, and their term of office shall be six years.

SEC. 13. Whenever the office of a judge of any court provided for in this Constitution becomes vacant before the expiration of the term for which he was elected, the governor shall fill the vacancy by appointment until a successor is elected and qualified; and such successor shall be chosen for the unexpired term, at the first election for members of the general assembly held more than thirty days after the vacancy occurs.

SEC. 16. The clerk of the common pleas court of each county shall, by virtue of his office, be clerk of all the courts of record therein, except the supreme court; but the general assembly may authorize the judges of the probate court to perform the duties of clerk of such court.

#### ARTICLE VIII

SEC. 12. So long as the state shall have public works which require superintendence, there shall be a board of public works, to consist of three members, and whose term of office shall be for such number of even years as may be provided by law.

#### ARTICLE X

SEC. 2. County officers shall be elected in the even years, on the first Tuesday after the first Monday in November, by the electors of each county, in such manner, and for such term of even years, as may be provided by law. When a vacancy occurs in a county office it shall be filled by appointment for the remainder of the term.

SEC. 4. Township officers, and elective municipal officers, shall be elected in the odd years, on the first

Tuesday after the first Monday in November, by the electors of each township or municipality, in such manner, and for such term of even years, as may be provided by law. When a vacancy occurs in a township or municipal office it shall be filled by appointment for the remainder of the term.

#### ARTICLE XVI

SEC. 3. At the general election to be held in the year one thousand eight hundred and ninety-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 at such election 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 to 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 of those voting thereon.

#### SCHEDULE

SEC. 2. The governor, lieutenant-governor, treasurer of state, and attorney-general, chosen on the first Tuesday after the first Monday in November, 1889, shall hold their offices until the second Monday in January, 1893; and the members of the sixty-ninth general assembly shall hold their offices until the first day of January, 1893. The term of office of the auditor of state in office when this amendment takes effect shall terminate on the second Monday in January, 1893.

SEC. 3. The terms of office of the judges of the supreme court which would, but for this amendment, have terminated on the ninth day of February, in the years 1891, 1892, 1893, 1894, 1895, 1896, 1897, and 1898, shall, respectively, terminate on the first day of January, in the years 1891, 1893, 1895, 1897, 1899, 1901, 1903, and 1905; and their respective successors shall be chosen on the first Tuesday after the first Monday in November preceding the expiration of their terms of office.

SEC. 4. The terms of office of the several judges of the circuit court which would, but for this amendment, have terminated on the ninth day of February, in the years 1891, 1893, and 1895, shall, respectively, terminate on the first day of January, in the years 1891, 1893, and 1895; and their respective successors shall be chosen on the first Tuesday after the first Monday in November preceding the expiration of their terms of office.

SEC. 5. The present terms of office of the several judges of the probate court shall terminate on the first day of January, 1891, and their successors shall be chosen on the first Tuesday after the first Monday in November, 1890.

SEC. 6. The terms of office of the several judges of the common pleas court in office when this amendment takes effect shall terminate on the first day of January of the odd year, and those of the superior courts in the even year, nearest the time when their respective terms of office would, but for this amendment, have terminated; and their respective successors shall be chosen on the first Tuesday after the first Monday in November preceding the expiration of their respective terms of office.

SEC. 7. The judges of the several courts, and all state, county, township, and municipal officers, in office

when this amendment takes effect, shall continue in office until their successors are elected and qualified.

SEC. 8. At such election those electors desiring to vote for such amendment may have placed upon their ballots the words "Biennial elections - Yes," and those opposed to such amendment may have placed upon their ballots the words "Biennial elections - No."<sup>50</sup>

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<sup>50</sup> *Laws of Ohio*, vol. lxxxvi, 728. — Ed.