

A Statistical Approach to Ohio’s Constitutional History ... And a Calculation of Its Future

By Robert Hern

Ohio began its statehood with a constitution of slightly more than 6,000 words. Today, its constitution is almost 54,000 words, more than 9,000 of which are in sections that are “collecting dust”, and is growing at an exponential rate. If Ohio stays true to its current course, by 2050 it will have a constitution around 71,500 words long.

Introduction

In 1802, Ohio began with a constitution that contained just over 6,000 words, and in its nearly five decades of existence, was never amended. In 1851, Ohio adopted its second constitution, which was 50 percent longer than its predecessor at more than 9,000 words. Ohioans touted that this constitution was “of reasonable length, full and plain in its provisions, and well considered and well arranged by its authors, who embraced many of the wisest and soundest men of the state.”¹

Then in 1874, after the 1873–74 Constitutional Convention, Ohio voted on whether to adopt its third constitution, which totaled around 15,000 words. The proposed 1874 Constitution was overwhelmingly rejected by a vote of 250,169 to 102,885,² in part, because it was overly “complex”³ and it had “too much legislation in it.”⁴

Today, the 1851 Constitution now contains over 50,000 words, making it the tenth longest state constitution in the United States⁵ and in a condition that does not produce the same praising words as it did in 1851. Most notably, Ohio Supreme Court Justice Paul E. Pfeifer dubbed the current Ohio Constitution “a mess”⁶ when he pointed to the 2009 casino amendment and livestock standards as provisions clogging the Constitution.⁷

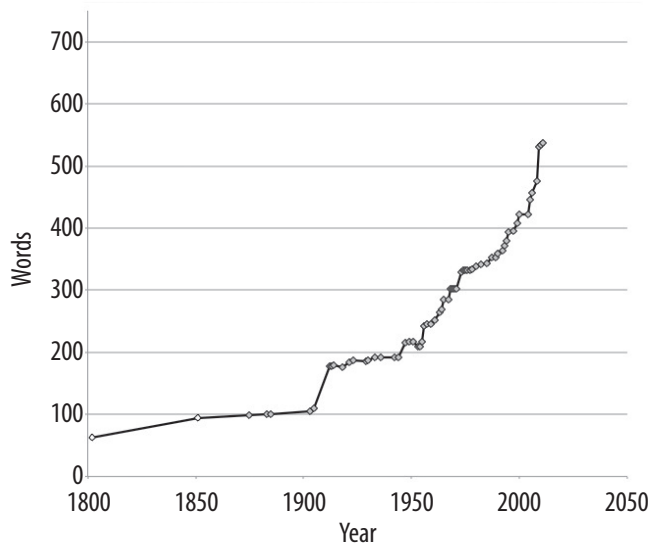
This paper creates a detailed and complete statistical analysis of Ohio’s constitutional history.⁸ Furthermore, potential causes of Ohio’s constitutional growth

will be explored and, using statistical analysis, Ohio’s constitutional future will be calculated.

Ohio’s Constitutional History

In 1802, Ohio’s constitution had only eight articles, 106 sections and 6,265 words. It remained unaltered until its replacement in 1851 with a constitution containing 16 articles, 168 sections and 9,447 words. Today, the Buckeye State’s constitution is made up

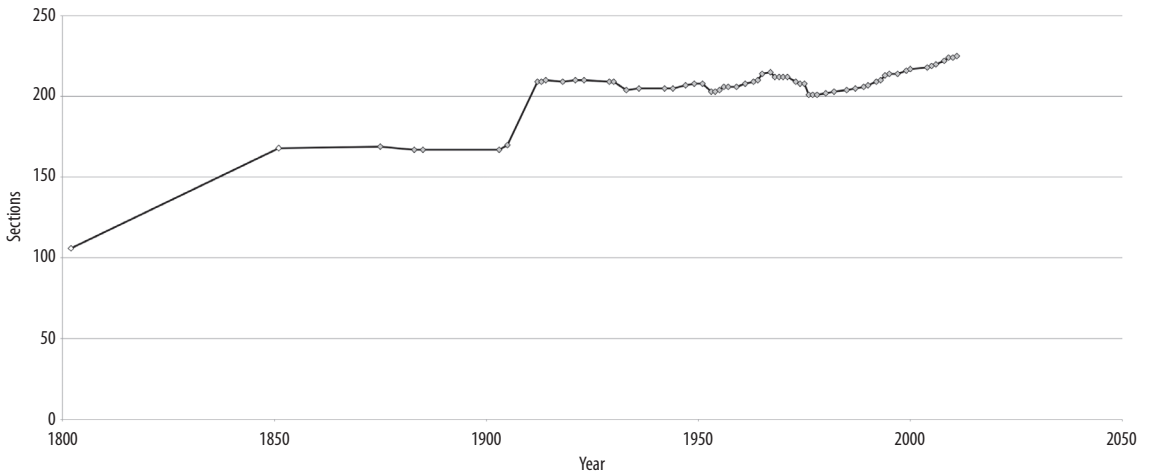
Figure A: Ohio’s Constitutional Growth in Words



Source: Robert Hern

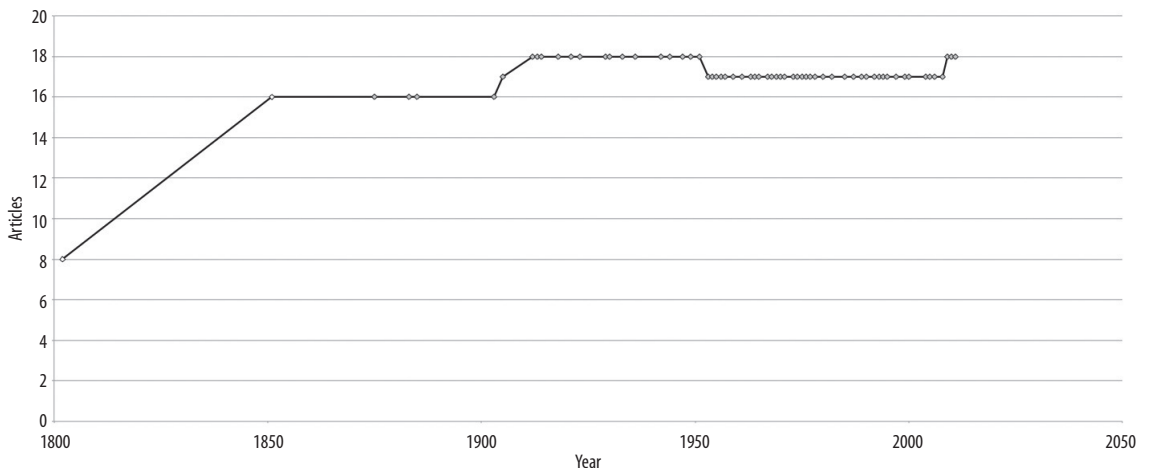
Key: The shaded marks in the following chart represent Ohio’s resulting constitutional length in the 61 years that have seen constitutional amendments adopted, while the white marks represent Ohio’s constitutional length after adopting constitutions in 1802 and 1851.¹⁰

Figure B: Ohio's Constitutional Growth in Sections



Source: Robert Hern

Figure C: Ohio's Constitutional Growth in Articles



Source: Robert Hern

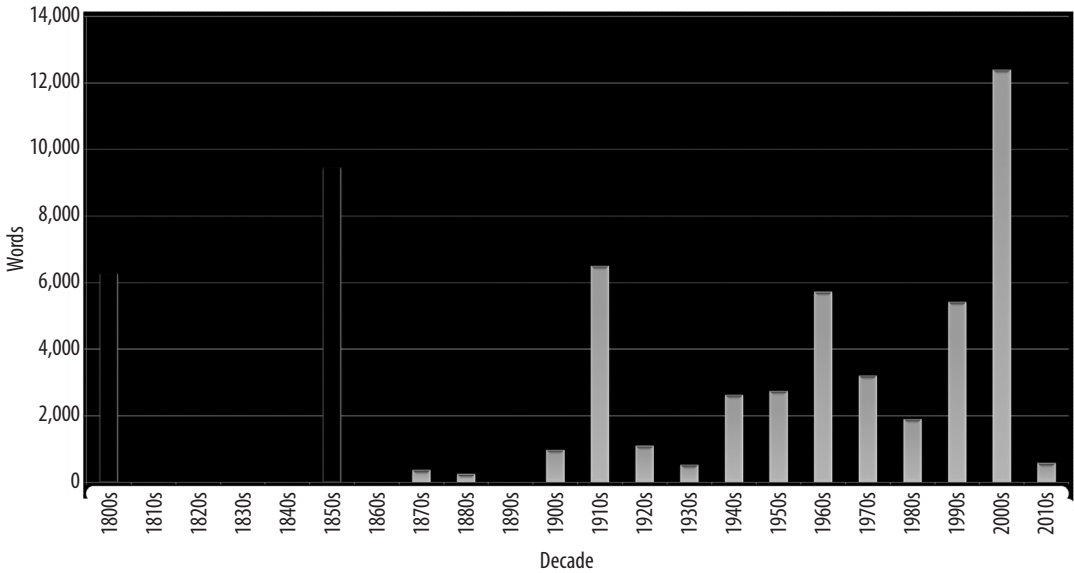
of 18 articles, 224 sections and 53,421 words. This equates to a current constitutional length 8.5 times longer than the 1802 constitution and more than 5.5 times longer than the 1851 constitution as adopted.

While these numbers show considerable constitutional growth, they may be discounted as a natural consequence to more than 200 years of history.

To determine the validity of such a claim, the rate of growth should be evaluated.

Linear growth may indicate Ohio has maintained consistent principles concerning how to determine whether subject is worthy of constitutional inscription and the style in which provisions ought to be written. If this is true, Ohio should have experienced a growth rate of about 227 words

Figure D: Ohio’s Constitutional Growth Through the Decades



Source: Robert Hern

per year since the 1802 constitution. Applying this same thought process to the 1851 constitution, it should have grown at 276 words per year.

Figure A depicts Ohio’s actual constitutional growth, in words, throughout its history. That growth is the result of 164 amendments—76 percent of which have increased the document by more than 47,000 words, while 38 amendments (23 percent) have removed 3,376 words, and two amendments⁹ (one percent) have had no net effect. Those expecting linear growth may be disappointed to see that the constitution has been growing at an exponential rate.

This chart cannot answer questions about the causes of Ohio’s constitutional growth, but it does indicate the residents are either expanding what they believe is constitutional subject matter or how they write constitutional provisions, or a combination of the two.

Also noteworthy are the two following charts that illustrate Ohio’s constitutional growth since 1802 in terms of the number of sections, as well as the number of articles.

Growth Through the Decades

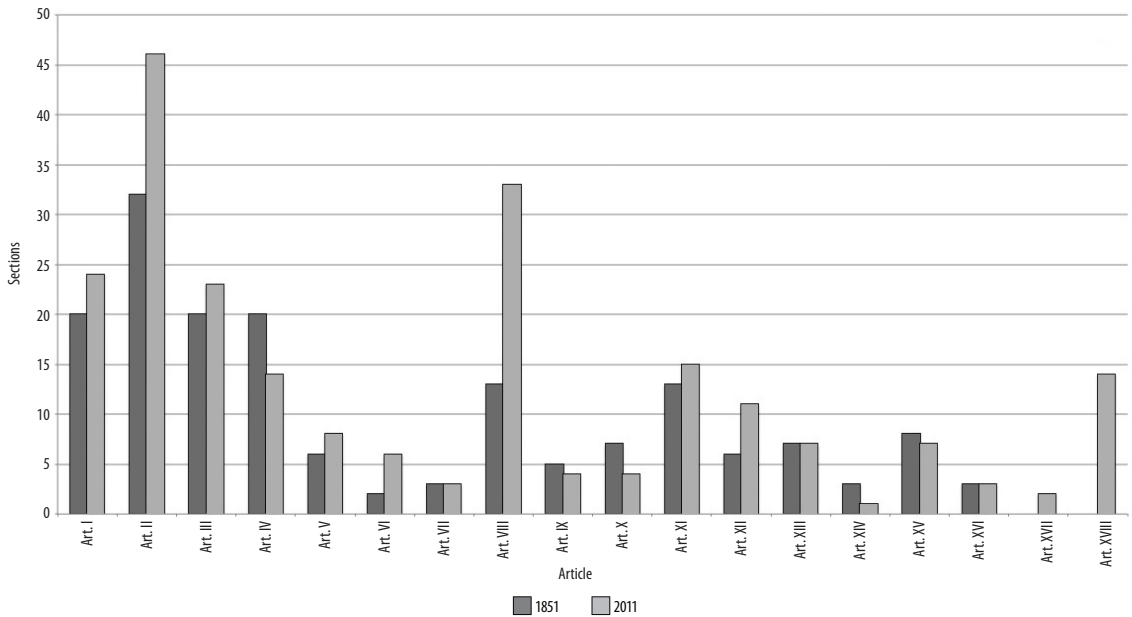
Figure D depicts Ohio’s constitutional growth throughout the decades and helps to emphasize the seriousness of the rate in which the Constitution is increasing.

Before the turn of the 21st century, the decade in which the most words were added to the Ohio Constitution by amendment was the 1910s, when 6,502 words were added in 40 amendments. That decade’s growth was primarily due to the 1912 Constitutional Convention, which resulted in 34 adopted amendments that added almost 7,000 words to the constitution.

The 2000s, a decade in which only 10 amendments were adopted, increased the Ohio Constitution by 12,394 words—nearly twice as many as the 1910s and accomplished in one-fourth the amendments. This is even more shocking in that the 2000s added 31 percent more words than the entire 1851 constitution as adopted.

The volume of words added in so few amendments during the 2000s suggests that Ohio has made a dramatic shift in how it *writes* constitutional amendments.

Figure E: Each Article's Change in Sections Since 1851



Source: Robert Hern

The Location of Ohio's Constitutional Growth

To obtain an even more comprehensive understanding of Ohio's constitutional growth, it is beneficial to look at how each article has changed since 1851. Such an evaluation can be done by comparing either the amount of sections or total words that made up each article in 1851 versus today. The following chart illustrates how each article has changed, in terms of sections, since 1851.

As seen in Figure E, article II, establishing the legislative branch, contained the most sections in 1851 with 32 and continues to do so today, containing 46. The article experiencing the most growth since 1851, however, is article VIII, providing for public debt and public works, experiencing an increase of 20 sections.

Although article II of the Ohio Constitution contains 13 more sections than the next closest article, article VIII; in terms of length, article II does not even compare to article VIII, the Constitution's longest article.

In 1851, article VIII contained only 873 words, 701 less words than article II. Today, article VIII totals an astonishing 26,279 words, 2.8 times larger than the entire Ohio Constitution as adopted in

1851. Article II is now the second longest article, containing 7,410 words. Figures E and F together show just how concentrated Ohio's constitutional growth has been in article VIII. While article II has 39 percent more sections than article VIII, article VIII contains more than 3.5 times as many words.

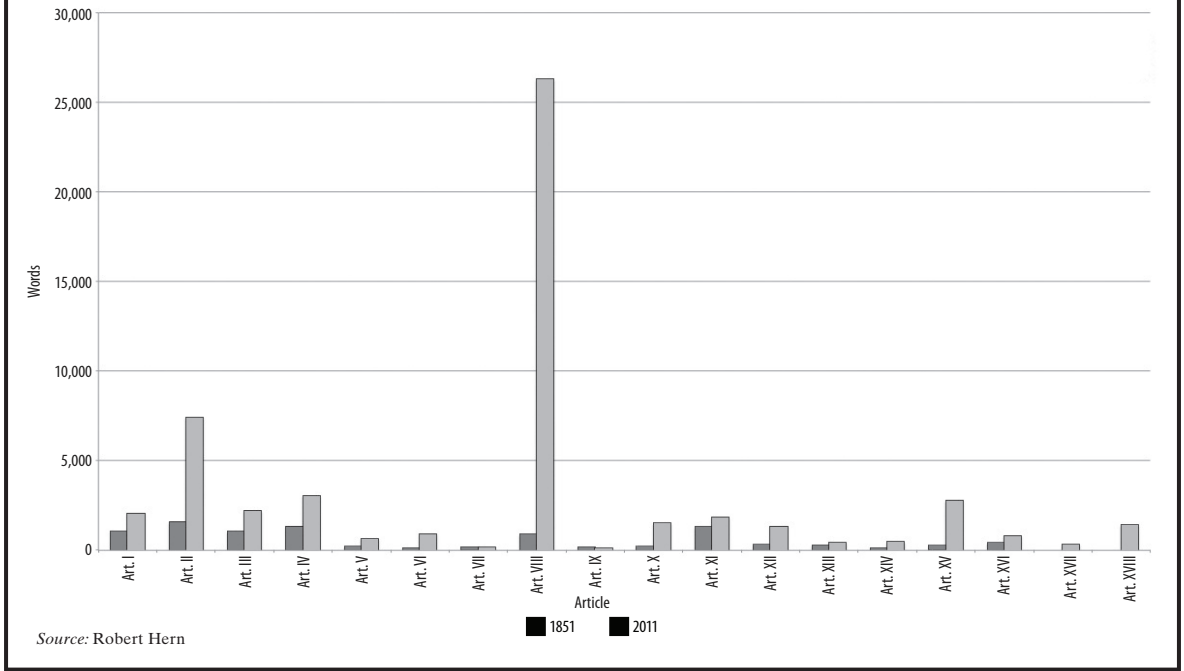
Is Ohio Forgetting How to Effectively Write Constitutional Amendments?

Ohio's constitutional history illustrates that, at some level, its residents have forgotten how to effectively write constitutional amendments.

In 1851, Ohio's constitution had 168 sections averaging 56 words per section. Today, the constitution has 225 sections. If it took roughly the same number of words today to express each subject matter as it did in 1851, a constitution consisting of 225 sections should contain approximately 12,600 words today. The state's constitution, however, is 53,684 words long, averaging 239 words per section.

This disparity is even more striking considering that 70 of the 168 original sections in the 1851 Constitution have never been altered. Those unaltered sections constitute 31 percent of the total sections in Ohio's current constitution, but

Figure F: Each Article's Change in Words Since 1851



Source: Robert Hern

only account for 6 percent—3,352 words—of its length.¹¹ Thus, the remaining 155 sections represent 50,332 words and average 325 words per section. This growth in the average number of words per section supports the conclusion that Ohio is increasingly writing lower and lower quality constitutional amendments.

The following chart, in addition to Figure F above, illustrates that this lapse has been a relatively recent phenomena.

Until the 1910s the average number of words per section remained virtually constant. Thereafter, until the 2000s, the constitution experienced gradual and consistent growth in the average number of words per section. In the 2000s, however, 10 amendments increased the average number of words per section of the entire constitution by 48 words. Again, this is more data supporting the conclusion that the writing quality of constitutional amendments has diminished drastically in Ohio over recent years.

Examples of Ineffective Writing

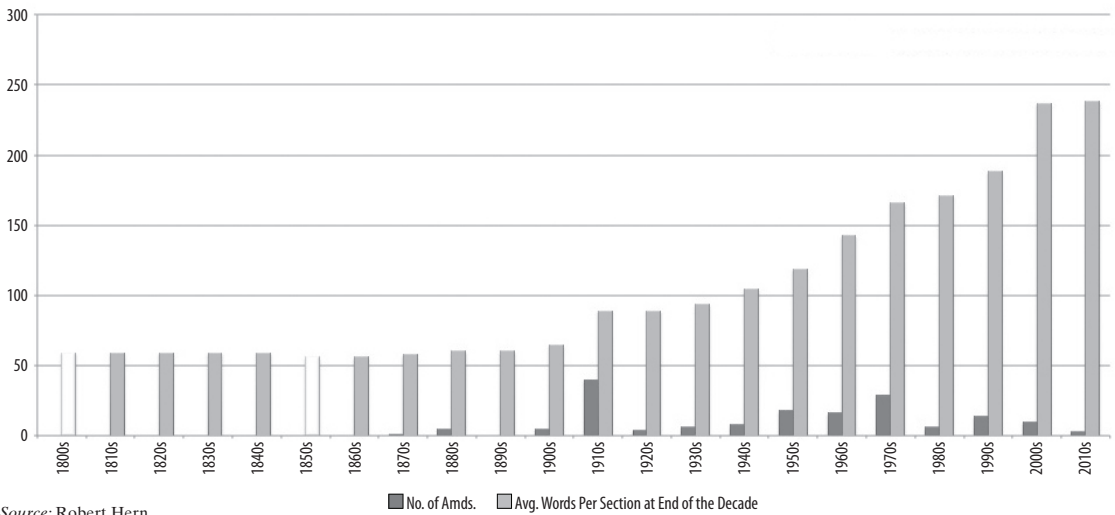
A prime example of ineffective writing is the 2009 constitutional amendment that allowed four casin-

os in Ohio, which took article XV, section 6 from 125 words to 2,533 words. As a result, section 6 became flooded with a nearly 1,000-word definition section, which in less than a year became a straightjacket for the state.¹²

Article XV, section 6, defines “casino facility,” “casino gaming,” “casino operator,” “gross casino revenue,” “majority interest,” “slot machines” and “table game”—seemingly all well understood terms. “Casino facility” is defined in such detail that it lists the parcels on which the four permitted casinos in Ohio may be built.¹³ Unsurprisingly, when disagreement resulted in the location of one of the casinos, to change the location, a constitutional amendment had to be proposed and adopted. Was this level of micromanagement necessary, or, could the amendment have been better written and therefore avoided an additional but necessary 2010 amendment?

A critic could say the quality of the casino amendment was not as high because it was proposed by initiative petition, not the General Assembly. Unfortunately, it is just as easy to locate a great example of micromanagement in an amendment proposed by the General Assembly.

Figure G: Relationship Between No. of Amds. Each Decade and the Avg. No. of Words Per Section at the End of Each Decade



Source: Robert Hern

Table A: Eight “Expired” Article VIII Sections

Sec.	Purpose	Last Year in Which a Debt Obligation Pursuant to the Section Could Expire	Words
2b	WWII Veterans	1966	2,301
2c	Highways	1972	434
2d	Korean War Veterans	1976	1,945
2e	State Bldgs	1984	831
2f	State Bldgs	2002	1,190
2g	State Highways	1989	469
2h	State Capital Improvements	2000	724
2j	Vietnam War Veterans	1992	1,453
<i>Total</i>			9,347

Source: Robert Hern

In 2009, the General Assembly proposed, and the voters adopted, the single largest constitutional amendment in Ohio constitutional history—article VIII, section 2r, grants the authority to issue bonds to provide compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts, which added 2,681 words to the Ohio Constitution.

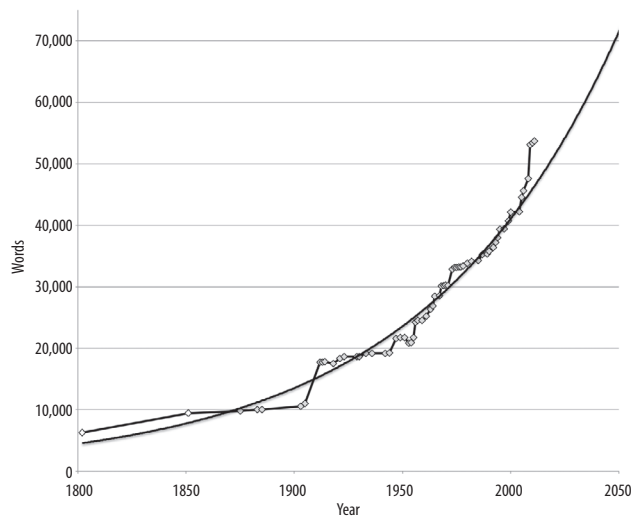
Colossal constitutional amendments such as the casino amendment and article VIII, section 2r do not need to be dissected. Regardless of the purpose for the provision, it should not take 2,500 words to enunciate. If it’s not possible to write the provision in a more succinct way, then the subject matter of the provision may not be the kind that should be within a constitution.

Ohio Does Not Do Any “House Cleaning”

In 1953, six separate amendments were adopted for “deleting or repealing obsolete, unused or unusable sections or parts of sections” of Ohio’s constitution.¹⁴ As a result of that joint resolution, 1,334 words were removed from the document—40 percent of words ever removed from the constitution through adopted amendments.

Then, in 1976, six amendments were proposed through six separate joint resolutions to remove or clarify unnecessary or obsolete constitutional language.¹⁵ As a result, 459 words were removed—14

Figure H: Applying Regression Analysis to Ohio's Constitutional Growth in Words



Source: Robert Hern

percent of the total words ever removed from the constitution through amendments. Thus, the 100th and 111th Ohio General Assembly, or two of 129 Ohio General Assemblies, were responsible for more than half of all words ever removed from the constitution.

Actual Provisions “Collecting Dust”

So what “house cleaning” should be done now? A prime example of a provision of the Ohio Constitution that needs to be removed is section 8, article V, which was adopted in 1992 and limits the terms of Ohio’s U.S. senators and representatives. Three years after adoption, a similar state constitutional provision from Arkansas was held unconstitutional by the United States Supreme Court.

In *United States Term Limits v. Thornton*, the Supreme Court ruled:

“First, ... the power to add qualifications is not within the ‘original powers’ of the States, and thus is not reserved to the States by the Tenth Amendment. Second, even if States possessed some original power in this area, we conclude that the Framers intended the Constitution to be the exclusive source of qualifications for Members of Congress, and that the Framers thereby

‘divested’ States of any power to add qualifications.¹⁶

As a result of the case, Ohio has since knowingly kept an unconstitutional provision in its state constitution for 16 years.

Article VIII is the area with the most serious problem of articles collecting dust—an article that places restrictions on state and local governments concerning state debt.¹⁷ The article’s debt limitation, however, may be overcome by specific amendments¹⁸ to the constitution and has been bypassed by 22 amendments.¹⁹ Of these amendments, 18 were adopted to raise money for a specified purpose through the sale of bonds.²⁰ Nine of those 18 amendments have expired, meaning the bonds have been sold and the debt has been satisfied by the state.²¹

So how many of the expired constitutional amendments have been repealed now that they no longer serve any function? One.

Article VIII, section 2a was repealed in 1953, as part of Amended House Joint Resolution No. 94, the purpose of which was “[t]o amend the constitution of the state of Ohio by deleting or repealing obsolete, unused or unusable sections or parts of sections thereof ...”²²

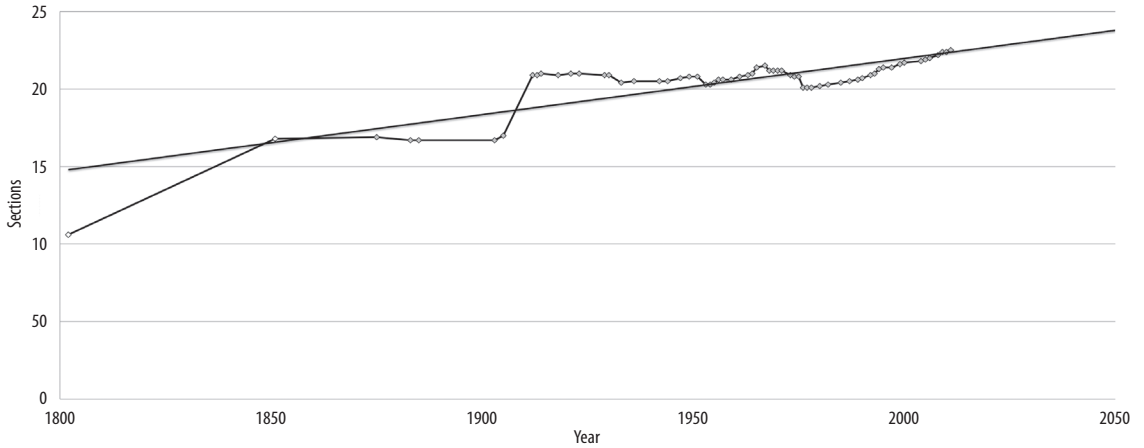
By simply removing an unconstitutional provision and the eight provisions that are collecting dust, Ohio could reduce its constitution by 18 percent and absolutely nothing would change.

Calculating Ohio’s Constitutional Future: Applying Regression Analysis

In Terms of Overall Length

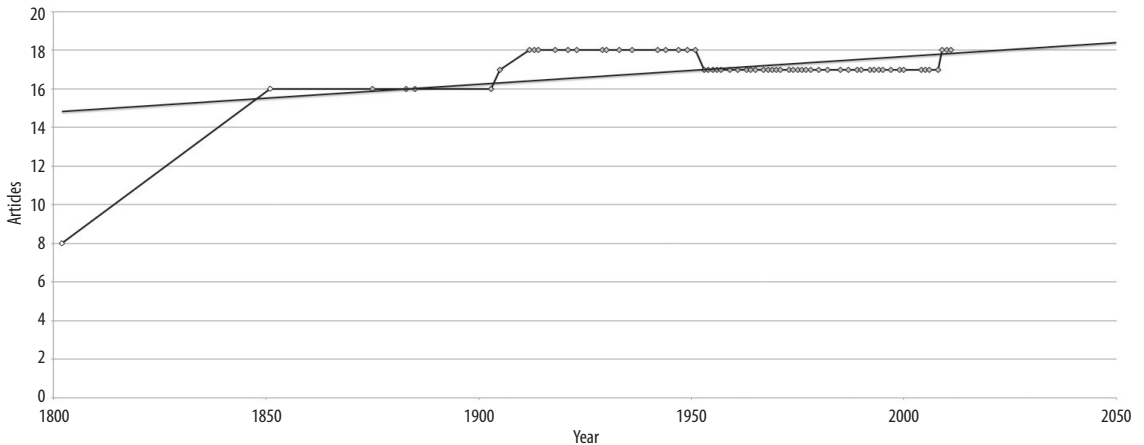
So what will happen to the Ohio Constitution if Ohio does not change how constitutional amendments are written? Using regression analysis, one is not only able to determine the relationship between two variables, but also may be able to forecast the variables’ future relationships.²³ Regression analysis is the process of finding the equation of a line that best fits a set of data.²⁴ Speaking generally, one may determine the accuracy by which the line represents the relationship between two variables by looking to the line’s

Figure I: Applying Regression Analysis to Ohio's Constitutional Growth in Sections



Source: Robert Hern

Figure J: Applying Regression Analysis to Ohio's Constitutional Growth in Articles



Source: Robert Hern

squared correlation coefficient value, or R2.²⁵ This number will be between zero and one, with a value of one indicating the strongest relationship possible.²⁶ In other words, the higher the R2 value for a regression line, the more accurately it represents the relationship between the two variables. The following applies regression analysis to the data of Ohio's constitutional history.

As discussed above, Ohio's constitutional growth over time has not been linear, but rather exponential. Figure H applies an exponential regression line to the data of the constitutional growth through the years.

The above exponential regression line has a R2 value of 0.96—indicating this regression line illustrates Ohio's constitutional growth through time

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quite accurately. With this strength of the regression line, and using the exponential regression line equation of, where y represents the year and x the amount of words in the Ohio Constitution, we can confidently forecast what the Ohio Constitution may look like in the future if the way in which Ohio drafts constitutional amendments continues on its current path. Therefore, in 2050 Ohio may expect to see a constitution that will contain 71,533 words—33% larger than Ohio’s constitution currently.

In Terms of Sections

Concerning constitutional growth of the amount of sections in the Ohio Constitution, the growth has been almost continually increasing. However, using regression analysis here is only moderately helpful. The linear regression line drawn below has a R^2 value of 0.67.

Therefore, using the linear regression line’s equation of, where y represents the year and x the amount of sections in the Ohio Constitution, in 2050, Ohio may expect to see a constitution that contains around 238 sections—only around 6% larger than Ohio’s constitution currently.

In Terms of Articles

Finally, the amount of articles in Ohio’s constitution has not drastically changed over the past 160 years. While a lack of change does mean regression analysis is not useful, here, the change of articles in Ohio’s constitutional history does not produce a reliable regression line, as its R^2 value is 0.22. Thus, any forecasts of the amount of Articles in Ohio’s constitutional future would be more along the lines of speculation.

Conclusion

States must aim to create a constitution that is flexible and adaptable to potential changes. To do so, the drafters must first determine whether the subject matter is one that should be provided for at the highest level of state legal authority and is so important as to justify the invalidation of all legislative and other governmental action in conflict with it. If the subject matter is of constitutional importance, the provision must be written in a way that does not micromanage the state government and be kept simple. If it is not possible to do so, the subject matter may be more appropriate as a statutory matter.

After a complete analysis of every adopted amendment’s effect on the Ohio Constitution, it is apparent that the constitution is growing in an

exponential manner. Additionally, it is clear that Ohio is radically deviating from quality constitutional writing.

As a practical matter, however, correcting Ohio’s constitutional writing style is a long-term goal. In the short-term, Ohio could reduce the length of its constitution by 18 percent if it eliminated all the provisions that are collecting dust. If Ohio chooses not to make any changes in the way constitutional amendments are written and doesn’t remove the obsolete and unconstitutional provisions, the state could have a constitution that is almost 71,000 words long, or 33 percent longer than the current constitution, in less than 40 years.

In the end, Ohio state Supreme Court Justice Paul E. Pfeifer’s claim that the Ohio Constitution is “a mess” appears to be more than just an opinion. Rather, it is more closely aligned as a fact supported by an abundance of data.

Note on Methodology

The final word count of the Ohio Constitution used in this paper is 53,684 words. It was calculated using the word count feature in Microsoft Word. Therefore, for example, “Article I” or “§ 1” would each be considered as two words.

The word count includes the titles of the constitution itself and the 18 articles. The titles of the sections, however, are not included, as those are not approved by the voters and are instead supplied by the various publishing companies. Additionally, the word count includes the preamble, but excludes the various schedules.

Notes

¹ Editorial, *Clev. Evening Herald*, Mar. 13, 1851.

² Steven H. Steinglass and Gino J. Scarselli, *The Ohio State Constitution: A Reference Guide*, 30 (2004).

³ Editorial, *New Constitution—Yes or No?*, *Clev. Plain Dealer*, Aug. 17, 1874 (“Indeed the proposed new constitution has to do with so much that is complex and beyond the scope of the popular information that the work of the convention, as a whole, will hardly be voted on intelligently.”).

⁴ Editorial, *The Election on Tuesday*, *Clev. Plain Dealer*, Aug. 19, 1874 (“It was very generally believed that the proposed constitution had too much legislation in it; and that it was too much ‘a lawyers’ constitution.”).

⁵ John Dinan, *State Constitutional Developments in 2009, in 2010 The Book of the States* 1, 11 (2010) (using an Ohio Constitution word count of 53,421).

⁶ Alan Johnson, *Pfeifer: Revise Constitution, End Death Penalty*, *The Columbus Dispatch*, Jan. 20, 2011, http://www.dispatchpolitics.com/live/content/local_news/stories/2011/01/20/copy/pfeifer-revise-constitution-end-death-penalty.html?sid=101.

⁷ *Id.*

⁸ See *infra* Appendix, Note on Methodology.

⁹ The first amendment was in 1912, adopting the schedule of the amendments, which as stated in the Note on Methodology, do not become a part of the constitution. The second amendment was in 1918, that conflicted with another adopted amendment. Ultimately, one was held unconstitutional in *State ex rel. Greenlund v. Fulton*, 99 Ohio St. 168, 124 N.E. 172 (1919).

¹⁰ This shaded and white theme will be used consistently in the charts throughout.

¹¹ The seventy unchanged sections average 48 words per section.

¹² Today, after article XV, section 6 now has a total length of 2531 words—of which 984 are “definitions” of the terms listed in the following paragraph. OH Const. art. XV, § 6(C)(9).

¹³ OH Const. art. XV, § 6.

¹⁴ H.J.R. 94, 100th Gen. Assem., Reg. Sess. (Ohio 1953).

¹⁵ See H.J.R. 14, 111th Gen. Assem., Reg. Sess. (Ohio 1976); H.J.R. 15, 111th Gen. Assem., Reg. Sess. (Ohio 1976); H.J.R. 36, 111th Gen. Assem., Reg. Sess. (Ohio 1976); H.J.R. 37, 111th Gen. Assem., Reg. Sess. (Ohio 1976); S.J.R. 16, 111th Gen. Assem., Reg. Sess. (Ohio 1976); S.J.R. 17, 111th Gen. Assem., Reg. Sess. (Ohio 1976).

¹⁶ *Id.* at 800–01.

¹⁷ *Supra* note 2 at p 219.

¹⁸ *State ex rel. Ohio Funds Management Bd. v. Walker*, 55 Ohio St. 3d 1, 9, 561 N.E.2d 927 (1990).

¹⁹ Ohio Const. Art. VIII, §§ 2a-2r, 13–16.

²⁰ Ohio Const. Art. VIII, §§ 2a-2r.

²¹ Ohio Const. Art. VIII, §§ 2a-2h, 2j.

²² *Supra* note 16.

²³ For a well written article on the basics of regression analysis, see Alan O. Sykes, *Introduction to Regression Analysis*, in Law and Economics Working Papers (1993) available at <http://www.law.uchicago.edu/Lawecon/wp1-50.html>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

About the Author

Robert Hern is an attorney in Cincinnati. He is a 2011 graduate of the Cleveland-Marshall College of Law.

**Table B: Analysis of Each Adopted Amendment in Ohio’s Constitutional History
From 1801–2011**

No.	Year	Amendment	Total Length (In Words)	Words Before Amd.	Words After Amd.	Net Change	Articles / Sections Affected	Net Article Change	Total Articles	Net Section Change	Total Sections
1800											
	1802	Ohio Constitution of 1802	6,265						8		106
		<i>Title</i>	0								
		<i>Preamble</i>	164								
		<i>Body</i>	6,101								
1810, 1820, 1830, 1840											
None											
1850											
	1851	1851 Constitution, as adopted	9,447						16		168
		<i>Title</i>	6								
		<i>Preamble</i>	28								
		<i>Body</i>	9,413								
1860											
None											
1870											
1	1875	Supreme Court Commission	9,817	0	370	370	ADDED § 21 to Art. IV	0	16	1	169
1880											
2	1883	Judicial Constitutional	10,046	359	588	229	§§ 1, 2 and 6 of Art. IV / REPEALED §§ 5 and 11 of Art. IV	0	16	-2	167
3	1885	Changing Fall Election to Nov. (First Prop.)	10,050	42	46	4	§ 2 of Art. II	0	16	0	167
4		Changing Fall Election to Nov. (Second Prop.)	10,055	49	54	5	§ 1 of Art. III	0	16	0	167
5		Changing Fall Election to Nov. (Third Prop.)	10,053	42	40	-2	§ 2 of Art. X	0	16	0	167
6		Township Officers	10,056	43	46	3	§ 4 of Art. X	0	16	0	167
1890											
None											
1900											
7	1903	Single Liability of Stockholders	10,035	60	39	-21	§ 3 of Art. XIII	0	16	0	167
8		Governor's Veto	10,556	85	606	521	§ 16 of Art. II	0	16	0	167
9		Giving Each County At Least One Representative	10,565	61	70	9	§ 2 of Art. XI	0	16	0	167
10	1905	State & County Elections in Even Years	10,994	0	429	429	ADDED Art. XVII / ADDED §§ 1, 2 and 3 to Art. XVII	1	17	3	170
11		Non-tax of Public Bonds	11,026	120	152	32	§ 2 of Art. XII	0	17	0	170
1910											
12	1912	Double Liability of Stockholders and Inspection of Private Banks	11,158	39	171	132	§ 3 of Art. XIII	0	17	0	170
13		Registering & Warranting Land Titles	11,257	0	99	99	ADDED § 40 to Art. II	0	17	1	171
14		Investigations by Each House of General Assembly	11,307	65	115	50	§ 8 of Art. II	0	17	0	171

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No.	Year	Amendment	Total Length (In Words)	Words Before Amd.	Words After Amd.	Net Change	Articles / Sections Affected	Net Article Change	Total Articles	Net Section Change	Total Sections
15	1912	Primary Elections	11,455	0	148	148	ADDED § 7 to Art. V	0	17	1	172
16		Welfare of Employees	11,498	0	43	43	ADDED § 34 to Art. II	0	17	1	173
17		Removal of Officials	11,561	0	63	63	ADDED § 38 to Art. II	0	17	1	174
18		Damage for Wrongful Death	11,592	0	31	31	ADDED § 19a to Art. I	0	17	1	175
19		Regulating Expert Testimony in Criminal Trials	11,615	0	23	23	ADDED § 39 to Art. II	0	17	1	176
20		Reform in Civil Jury System	11,642	11	38	27	§ 5 of Art. I	0	17	0	176
21		Regulating State Printing	11,656	56	70	14	§ 2 of Art. XV	0	17	0	176
22		Limiting Power of General Assembly in Extra Sessions	11,710	29	83	54	§ 8 of Art. III	0	17	0	176
23		Conservation of Natural Resources	11,834	0	124	124	ADDED § 36 to Art. II	0	17	1	177
24		Regulating Insurance	11,896	54	116	62	§ 6 of Art. VIII	0	17	0	177
25		Abolishing Prison Contract Labor	12,098	0	202	202	ADDED § 41 to Art. II	0	17	1	178
26		Workmen's Compensation	12,264	0	166	166	ADDED § 35 to Art. II	0	17	1	179
27		Civil Service	12,310	0	46	46	ADDED § 10 to Art. XV	0	17	1	180
28		Eight Hour Day on Public Work	12,362	0	52	52	ADDED § 37 to Art. II	0	17	1	181
29		Suits Against the State	12,384	37	59	22	§ 16 of Art. I	0	17	0	181
30		Regulation of Corporations & Sale of Personal Property	12,466	22	104	82	§ 2 of Art. XIII	0	17	0	181
31		Municipal Home Rule	13,829	0	1,363	1,363	ADDED Art. XVIII and 14 Sections	1	18	14	195
32		Organization of Boards of Education	13,909	0	80	80	ADDED § 3 to Art. VI	0	18	1	196
33		License to Traffic in Intoxicating Liquors	14,469	0	560	560	ADDED § 9 to Art. XV	0	18	1	197
34		Abolishing Board of Public Works	14,412	117	60	-57	§ 12 of Art. VIII / REPEALED § 13 of Art. VIII	0	18	-1	196
35		Initiative and Referendum	16,640	25	2,253	2,228	§ 1 of Art. II / ADDED §§ 1a, 1b, 1c, 1d, 1e, 1f and 1g to Art. II	0	18	7	203
36		Judge of Court of Common Pleas for Each County	16,801	307	468	161	§§ 3, 7, 12 and 15 of Art. IV	0	18	0	203
37		Depositions by State and Comment on Failure of Accused to Testify in Criminal Cases	16,937	172	308	136	§ 10 of Art. I	0	18	0	203
38		Mechanics' and Builders' Liens	16,987	0	50	50	ADDED § 33 to Art. II	0	18	1	204
39		Limiting Veto Power of Governor	16,783	606	402	-204	§ 16 of Art. II	0	18	0	204
40		Methods of Submitting Amendments to the Constitution	16,854	402	473	71	§§ 1, 2 and 3, of Art. XVI	0	18	0	204
41		Change in Judicial System	17,383	588	1,117	529	§§ 1, 2 and 6 of Art. IV	0	18	0	204

CONSTITUTIONAL REVISIONS

No.	Year	Amendment	Total Length (In Words)	Words Before Amd.	Words After Amd.	Net Change	Articles / Sections Affected	Net Article Change	Total Articles	Net Section Change	Total Sections
42		Taxation of State & Municipal Bonds, Inheritances, Incomes, Franchises & Production of Minerals	17,680	194	491	297	§§ 1, 2 and 6 of Art. XII / ADDED §§ 7, 8, 9, 10 and 11 to Art. XII	0	18	5	209
43		Abolition of Justices of the Peace in Certain Cities	17,639	41	0	-41	REPEALED § 9 of Art. IV	0	18	-1	208
44		Creating the Office of Superintendent of Public Instruction to Replace State Commissioner of Common Schools	17,708	0	69	69	ADDED § 4 of Art. VI	0	18	1	209
45		Schedule of Amendments (Excluded)	17,708				ADDED 1912 Schedule				
46	1913	Women Eligible to Serve on Boards or Commissions Affecting Women & Children	17,751	23	66	43	§ 4 of Art. XV	0	18	0	209
47	1914	Home Rule on Subjects of Intoxicating Liquor	17,842	0	91	91	ADDED § 9a to Art. XV	0	18	1	210
48	1918	Referendum; Voters May Approve or Reject Action of Legislature Ratifying Any Proposed Amd. to U.S. Constitution	18,086	142	386	244	§ 1 of Art. II	0	18	0	210
49		Prohibition of Sale & Manufacture of Intoxicating Liquors	17,484	651	49	-602	§ 9 of Art. XV / REPEALED § 9a of Art. 15	0	18	-1	209
50		General Assembly To Provide Against Double Taxation Resulting from Real Estate & Mortgage or Secured Debt on Real Estate Taxation	17,528	176	220	44	§ 2 of Art. XII	0	18	0	209
51		General Assembly to Classify Property for Taxation *	17,528	0	0	0	§ 2 of Art. XII	0	18	0	209
1920											
52	1921	To Provide for a Soldier Bonus	18,365	0	837	837	ADDED § 2a to Art. VIII	0	18	1	210
53	1923	Expand Indus. Commission's Power in Workmen's Compensation	18,647	166	448	282	§ 35 of Art. II	0	18	0	210
54		Delete "White Male" from Voter Qualifications	18,644	66	63	-3	§ 1 of Art. V	0	18	0	210
55	1929	\$15M on Unvoted Real Estate Taxes	18,615	287	258	-29	§ 2 of Art. XII / REPEALED § 3 of Art. XII	0	18	-1	209
1930											
56	1930	Distribution of Income & Inheritance Taxes	18,630	38	53	15	§ 9 of Art. XII	0	18	0	209
57	1933	Repeal of Statewide Prohibition	18,581	49	0	-49	REPEALED § 9 of Art. XV	0	18	-1	208
58		\$10m Limit on Unvoted Real Estate Taxes	18,579	258	256	-2	§ 2 of Art. XII	0	18	0	208
59		Home Rule for Counties & Townships	19,156	341	918	577	§§ 1-4 of Art. X / REPEALED § 16 of Art. 4 and §§ 5-7 of Art. X	0	18	-4	204
60	1936	Eliminate Additional Liability of Stockholders of Banking & Other Depository Corps.	19,100	171	115	-56	§ 3 of Art. XIII	0	18	0	204

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61		Prohibit Sales Tax on Food for Consumption off Premises	19,131	0	31	31	ADDED § 12 to Art. XII	0	18	1	205
			1940								
62	1942	Vacancies in Judicial Office	19,177	68	114	46	§ 13 of Art. IV	0	18	0	205
63	1944	Permit Temporary or Substitute Judges in the S.Ct	19,282	426	531	105	§ 2 of Art. IV	0	18	0	205
64		Jurisdiction of Cts of App.	19,229	647	594	-53	§ 6 of Art. IV	0	18	0	205
65	1947	Provide a Bonus to Veterans	21,530	0	2,301	2,301	ADDED § 2b to Art. VIII	0	18	1	206
66		6-yr Term for Probate Judges; Delete Req't That Compensation Be Paid From Cty Treasury	21,501	555	526	-29	§ 7 of Art. IV and § 2 of Art. XVII	0	18	0	206
67		Expand Sinking Fund Commission to Include Governor and Treasurer of State	21,505	28	32	4	§ 8 of Art. VIII	0	18	0	206
68		Limit Use of Motor Vehicle License and Fuel Taxes for Road and Related Purposes	21,597	0	92	92	ADDED § 5a to Art. XII	0	18	1	207
69	1949	Adopt Office-Type Ballot	21,756	0	159	159	ADDED § 2a to Art. V	0	18	1	208
			1950								
70	1951	Permit More Than One Probate Judge Per Cty	21,765	215	224	9	§ 7 of Art. IV	0	18	0	208
71	1953	Authorize Bond Issue for Highway System	22,199	0	434	434	ADDED § 2c to Art. VIII	0	18	1	209
72		Create State Bd. of Educ. w/ Power to Appoint Superintendent of Public Instruction	22,192	69	62	-7	§ 4 of Art VI	0	18	0	209
73		Delete "white" Re: Males Eligible or Req'd to Serve in State Militia	22,190	53	51	-2	§ 1 of Art. IX	0	18	0	209
74		Eliminate Conflicts w/ US Const.	21,940	463	213	-250	§§ 1 and 27 of Art. II	0	18	0	209
75		Eliminate Obsolete Provisions Re: Eligibility of Women for Office	21,897	66	23	-43	§ 4 of Art. XV	0	18	0	209
76		Adjusted Compensation for WWI Vets.	21,060	837	0	-837	REPEALED § 2a of Art. VIII	0	18	-1	208
77		Repeal Provision for Electing Militia Officers	21,033	27	0	-27	REPEALED § 2 of Art. IX	0	18	-1	207
78		Repeal Obsolete Provisions Re: 1851 Commission to Modernize Ct Procedure	20,896	137	0	-137	REPEALED Art. XIV and §§ 1-3 of Art. XIV	-1	17	-3	204
79		Repeal Obsolete Provision Re: Incumbents in Office in 1905	20,856	40	0	-40	REPEALED § 3 of Art. XVII	0	17	-1	203
80	1954	4-yr Terms for Governor, etc.; Limit Governor to 2 Successive Terms	20,939	413	496	83	§ 2 of Art. III and §§ 1 and 2 of Art. XVII	0	17	0	203
81	1955	Authorize Bond Issue for Construction Program for Public Bldgs.	21,770	0	831	831	ADDED § 2c to Art. VIII	0	17	1	204
82	1956	Korean Veterans' Bonuses	23,715	0	1,945	1,945	ADDED § 2d to Art. VIII	0	17	1	205
83		4-yr Terms for State Senators	24,215	130	630	500	§ 2 of Art. II and § 1 of Art. XI / ADDED § 6a to Art. XI	0	17	1	206

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No.	Year	Amendment	Total Length (In Words)	Words Before Amd.	Words After Amd.	Net Change	Articles / Sections Affected	Net Article Change	Total Articles	Net Section Change	Total Sections
84	1957	Allow New OH Residents to Vote for President & VP	24,308	63	156	93	§ 1 of Art. V	0	17	0	206
85		Permit Adoption of Cty Charters	24,502	252	446	194	§ 3 of Art. X	0	17	0	206
86	1959	Remove Limitation on Extra-Territorial Sale of Water and Sewer Services by Municipalities	24,520	71	89	18	§ 6 of Art. XVIII	0	17	0	206
87		Permit GA to Increase # of Ct of App Judges in Districts Where Needed	24,499	594	573	-21	§ 6 of Art. IV	0	17	0	206
1960											
88	1961	Change Method of Filing Vacancies in GA	24,849	25	375	350	§ 11 of Art. II	0	17	0	206
89		Continuity of State Gov't in Case of Attack	24,937	0	88	88	ADDED § 42 to Art. II	0	17	1	207
90		Increase Militia Age Limits; Calling Militia In Disaster; Conform to Fed. Law	24,913	138	114	-24	§§ 1, 3 and 4 of Art. IX	0	17	0	207
91		Provide for Advice and Consent of Senate Re: Appointments to Office	25,194	0	281	281	ADDED § 21 to Art. III	0	17	1	208
92	1963	Authorize Bond Issue for Public Improvements	26,384	0	1,190	1,190	ADDED § 2f to Art. VIII	0	17	1	209
93	1964	Authorize Bond Issue for Highways	26,853	0	469	469	ADDED § 2g to Art. VIII	0	17	1	210
94	1965	Guarantee College Loans for OH Residents	27,069	0	216	216	ADDED § 5 to Art. VI	0	17	1	211
95		Authorize Bond Issue for State Development	27,793	0	724	724	ADDED § 2h to Art. VIII	0	17	1	212
96		Guarantee Loans for Indus. Dev.	28,233	0	440	440	ADDED § 13 to Art. VIII	0	17	1	213
97		Authorize Same Judge to Serve More Than One Court in Counties Under 40,000	28,436	0	203	203	ADDED § 23 to Art. IV	0	17	1	214
98	1967	Apportion OH House and Senate into Single-Member Districts	28,539	1,885	1,988	103	§ 2 and 3 of Art. II and §§ 1-6 and 7-13 of Art. XI / ADDED §§ 14 and 15 to Art. XI / REPEALED § 6a of Art. XI	0	17	1	215
99	1968	Disposition of School and Ministerial Lands Trust Funds	28,530	56	47	-9	§ 1 of Art. VI	0	17	0	215
100		Filling Vacancies in OH House	28,600	375	445	70	§ 11 of Art. II	0	17	0	215
101		Revise Administration and Org. of OH Court System ("Modern Courts Amd't")	28,690	1,761	1,851	90	§§ 1-4 and 6 of Art. IV and §§ 12 and 13 of Art. XI / ADDED § 5 of Art. V / REPEALED §§ 7, 8, 10, 12 and 14 of Art. IV	0	17	-4	211
102		Authorize Bond Issue for Highways and Other Capital Improvements	30,143	0	1,453	1,453	ADDED § 2i to Art. VIII	0	17	1	212

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No.	Year	Amendment	Total Length (In Words)	Words Before Amd.	Words After Amd.	Net Change	Articles / Sections Affected	Net Article Change	Total Articles	Net Section Change	Total Sections
103	1969	Dispense w/ Short-Term Elections to Fill Vacancies	30,212	432	501	69	§ 18 of Art. III and § 2 of Art. XVII	0	17	0	212
1970											
104	1970	Real Estate Tax Homestead Reduction for Residents 65 and Older	30,250	256	294	38	§ 2 of Art. XII	0	17	0	212
105		Reduce Voter Residence Req't From 1 yr to 6 mos.	30,250	156	156	0	§ 1 of Art. V	0	17	0	212
106		Permit Notice by Publication Instead of Mail of Proposed Municipal Charter Amd'ts	30,269	157	176	19	§ 9 of Art. XVIII	0	17	0	212
107	1971	Require Notice by Publication Instead of Mail of Const'l Amd'ts or Laws Proposed or Referred by Initiative and Referendum	30,235	888	854	-34	§ 1g of Art. II	0	17	0	212
108	1973	Authorize State Lottery	30,283	20	68	48	§ 6 of Art. XV	0	17	0	212
109		Revise Org., Admin. and Procedures of GA	30,524	1,391	1,632	241	§§ 4, 6-9, 11 and 14-16 of Art. II / REPEALED §§ 17-19 and 25 of Art. II	0	17	-4	208
110		Tax Valuation of Farmland According to Agricultural Use	30,636	124	236	112	§ 36 of Art. II	0	17	0	208
111		Authorize GA to Provide for Amt of Income Exempt from Taxation	30,635	52	51	-1	§ 8 of Art. XII	0	17	0	208
112		Re: Ct Org. and Admin.	30,797	1,108	1,270	162	§§ 1 and 4-6 of Art. IV	0	17	0	208
113		Vietnam Vets' Bonuses	32,879	0	2,082	2,082	ADDED § 2j to Art. VIII	0	17	1	209
114	1974	Preparing Ballot Language and Informing Voters Re: Proposed Const'l Amd'ts	33,217	164	502	338	§ 1 of Art. XVI	0	17	0	209
115		Real Estate Tax Homestead Reduction for Disabled	33,223	294	300	6	§ 2 of Art. XII	0	17	0	209
116		Repeal Req't that Gov. Appoint Public Works Superintendent for 1-Yr Term	33,163	60	0	-60	REPEALED § 12 of Art. VIII	0	17	-1	208
117		Indus. Dev. Revenue Bonds & Loan Guarantee Programs	33,169	440	446	6	§ 13 of Art. VIII	0	17	0	208
118	1975	Give Candidates Reasonably Equal Treatment on Ballot, by Name Rotation or Otherwise	33,162	159	152	-7	§ 2a of Art. V	0	17	0	208
119		Voters to Elect Delegates to Nat'l Party Conventions	33,153	148	139	-9	§ 7 of Art. V	0	17	0	208
120		Permit Charitable Bingo	33,174	68	89	21	§ 6 of Art. XV	0	17	0	208
121	1976	Require Joint Election of Gov. and Lt. Gov; Revise Lt. Gov's Duties	33,209	198	233	35	§ 2a of Art. V / ADDED §§ 1a and 1b to Art. III / REPEALED § 16 of Art. III	0	17	1	209

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No.	Year	Amendment	Total Length (In Words)	Words Before Amd.	Words After Amd.	Net Change	Articles / Sections Affected	Net Article Change	Total Articles	Net Section Change	Total Sections
122		Qualifications of Electors; Remove Unconst'l & Unnecessary Language	33,029	255	75	-180	§§ 1 and 4 of Art. V / REPEALED §§ 3 and 5 of Art. V	0	17	-2	207
123		Elections, Terms of Office, & Vacancies; Remove Unnecessary Language	32,916	429	316	-113	§§ 1 and 2 of Art. XVII	0	17	0	207
124		Require at least 50% of Estate Taxes to Be Returned to Political Subdivisions (Clarify Language)	32,923	87	94	7	§§ 4 and 9 of Art. XII	0	17	0	207
125		Consolidate Provisions for Imposing Taxes; Clarify Language	32,883	198	158	-40	ADDED § 3 of Art XII / REPEALED §§ 7, 8, 10 and 12 of Art. XII	0	17	-3	204
126		Succession in Case of Disability or Vacancy in Office of Gov or Lt. Gov	33,350	131	598	467	§§ 15 and 17 of Art. III / ADDED § 22 to Art. III	0	17	1	205
127		Repeal Obsolete Provisions on Public Printing, Dueling, & Bureau of Statistics	33,224	126	0	-126	REPEALED §§ 2, 5 & 8 of Art. XV	0	17	-3	202
128		Declaration of Election Results for State Officers at Next Regular GA Session	33,208	167	151	-16	§ 3 of Art. III / REPEALED § 4 of Art. III	0	17	-1	201
129	1977	Person Entitled to Vote if Registered for 30 Days; Elector Failing to Vote at Least once in 4 Years must Re-register	33,247	48	87	39	§ 1 of Art. V	0	17	0	201
130	1978	Ballot Bd. to Write Language for State Issues; Advertising Proposals; Initiative and Referendum Petitions	33,201	854	808	-46	§ 1g to Art. II	0	17	0	201
131		Modify Procedures to Adopt, Amend or Repeal City Charter	33,583	476	858	382	§ 4 of Art. X	0	17	0	201
132		GA to Regulate Prison Labor; Remove Const'l Restrictions on Sale of Prison-Made Goods	33,408	202	27	-175	§ 41 of Art. II	0	17	0	201
1980											
133	1980	Authorize GA to Classify Real Property for Taxation	33,809	0	401	401	ADDED § 2a to Art. XII	0	17	1	202
134	1982	Authorize Bonds to Subscribe Low Cost Housing	34,113	0	304	304	ADDED § 14 to Art. VIII	0	17	1	203
135	1985	Authorize Bond Issue to Finance Coal Research	34,298	0	185	185	ADDED § 15 to Art. VIII	0	17	1	204
136	1987	Entire Net Proceeds of State Lottery to Be Used for Support of Education	34,334	89	125	36	§ 6 of Art. XV	0	17	0	204
137		Permit State to Finance or Assist Local Gov'ts to Improve Roads, Water, Sewer & Waste Collection & Treatment Facilities	35,258	0	924	924	ADDED § 2k to Art. VIII	0	17	1	205
138	1989	Method for Filling Vacancy in Office of Lt. Gov.	35,301	0	43	43	ADDED § 17a to Art. III	0	17	1	206

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1990											
139	1990	Authorize Public Financial Support for Low-Cost Housing	35,848	0	547	547	ADDED § 16 to Art. VIII	0	17	1	207
140		Extend Homestead Exemption to Surviving Spouses	35,826	300	278	-22	§ 2 of Art. XII	0	17	0	207
141	1992	Term Limits for State Senators & Reps.	36,020	119	313	194	§ 2 of Art. II	0	17	0	207
142		Term Limits for State Exec. Branch Officers other than Gov.	36,225	101	306	205	§ 2 of Art. III	0	17	0	207
143		Term Limits for US Senators & Reps.	36,429	0	204	204	ADDED §§ 8 and 9 to Art. V	0	17	2	209
144	1993	Authorize Bond Issue for Capital Improvements for Parks, Conservation & Natural Resources	37,198	0	769	769	ADDED § 2l to Art. VIII	0	17	1	210
145	1994	Protect Rights of Crime Victims	37,321	0	123	123	ADDED § 10a to Art. I	0	17	1	211
146		Eliminate Intermediate Appeal & Provide for Direct Appeal to S.Ct in Death Penalty Cases	37,371	743	793	50	§§ 2 and 3 of Art. IV	0	17	0	211
147		Protect Viability of Prepaid Tuition Program & Prevent Fed Taxation of Program Income	37,807	0	436	436	ADDED § 6 to Art. VI	0	17	1	212
148		Repeal Soft Drink Excise Tax	37,950	0	143	143	ADDED § 13 to Art. XII	0	17	1	213
149	1995	Limit Unrestricted Power of Gov. to Commute Sentences	37,957	138	145	7	§ 11 of Art. III	0	17	0	213
150		Public Works & Highways; Issuance of Obligations	39,311	0	1,354	1,354	ADDED § 2m to Art. VIII	0	17	1	214
151	1997	Denial of Bail to Persons Charged w/ Certain Felonies	39,455	39	183	144	§ 9 of Art. I	0	17	0	214
152	1999	Authorize the State to Issue Bonds for School Facilities	40,718	0	1,263	1,263	ADDED §§ 2n and 17 to Art. VIII	0	17	2	216
2000											
153	2000	Issuance of Bonds for Environmental Conservation	42,147	0	1,429	1,429	ADDED § 2o to Art. VIII	0	17	1	217
154	2004	Defining Marriage	42,204	0	57	57	ADDED § 11 to Art. XV	0	17	1	218
155	2005	Create Jobs & Stimulate Economic Growth in Ohio	44,589	0	2,385	2,385	ADDED § 2p to Art. VIII	0	17	1	219
156	2006	Raise the State Min. Wage	45,615	0	1,026	1,026	ADDED § 34a to Art. II	0	17	1	220
157	2008	To Provide for Earlier Filing Deadlines for Statewide Ballot Issues (Issue One)	45,857	1,796	2,038	242	§§ 1a, 1b, 1c and 1g of Art. II	0	17	0	220
158		To Authorize the State to Issue Bonds to Continue the Clear Ohio program for Environmental Revitalization & Conservation (Issue Two)	47,287	0	1,430	1,430	ADDED § 2q to Art. VIII	0	17	1	221
159		To Protect Private Property Rights in Ground Water, Lakes & Other Watercourses	47,569	0	282	282	ADDED § 19b to Art. I	0	17	1	222

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160	2009	To Authorize State to Issue Bonds to Provide Compensation to the Vets of the Persian Gulf, Afghan & Iraq	50,250	0	2,681	2,681	ADDED § 2r to Art. VIII	0	17	1	223
161		To Create the Ohio Livestock Care Standards Bd (Issue Two)	50,704	0	454	454	ADDED Art. XIV and § 1 to Art. XIV	1	18	1	224
162		Allowance & Tax on Casinos	53,112	125	2,533	2,408	§ 6 of Art. XV	0	18	0	224
2010											
163	2010	Extend the Ohio 3rd Frontier Program	53,423	2,385	2,696	311	§ 2p of Art. VIII	0	18	0	224
164		Change the Location of Casinos	53,421	2,533	2,531	-2	§ 6 to Art. XV	0	18	0	224
165	2011	Freedom to Choose Healthcare	53,684	0	263	263	ADDED § 21 to Art. I	0	18	1	225

Sources: Robert Hern, 2011–2012.