

740.

APPROVAL—CERTIFICATION OF PROPOSED CONSTITUTIONAL AMENDMENT RELATIVE TO "ELECTIONS" AND A SUMMARY OF SAME UNDER SECTION 4785-175, GENERAL CODE.

COLUMBUS, OHIO, June 15, 1937.

MR. NORMAN H. FORD, 18 *Parsons Avenue, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination a written petition signed by one hundred qualified electors of this state containing a proposed constitutional amendment and a summary of the same under the provisions of Section 4785-175, General Code. It is proposer to amend the Constitution by repealing Sections 1, 2, 9, 11, 14, 15, 17, 19, 23, 24, 25 and 31 of Article II; Sections 8, 9, 16 and 17 of Article III; and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of Article XI; and by adopting in lieu thereof Sections 1, 2, 9, 14, 19, 23, 24, 25, and 31 of Article II. This amendment and the summary of the same read as follows:

"TEXT OF PROPOSED AMENDMENT

Be it resolved by the people of the State of Ohio: That there be submitted to the electors of the state on the first Tuesday after the first Monday in November next following the filing of this petition a proposal to repeal Sections 1, 2, 9, 11, 14, 15, 17, 19, 23, 24, 25 and 31 of Article II; Sections 8, 9, 16 and 17 of Article III; and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Article XI; and to adopt in lieu thereof Sections 1, 2, 9, 14, 19, 23, 24, 25 and 31 of Article II; of the Constitution of the State of Ohio to read as follows:

ARTICLE II

Sec. 1. The legislative power of the state not reserved to the people shall be vested in a general assembly. The general assembly shall consist of a single body of representatives; and shall succeed to all the powers of either, or both, the house of representatives and the senate as heretofore constituted, and shall be subject to all the provisions of the constitution limiting the power or controlling the procedure of either, or both, such houses so far as such provisions may be applicable to a single chamber assembly, and so far as they are consistent with the

provisions of this section. Whenever in the constitution reference is made to the house of representatives or to the senate, or both, or to either or both of the houses of the general assembly, or to the members elected thereto, to representatives, or to senators, such provisions so referring shall be deemed to refer to the general assembly and to representatives therein. Whenever action by either the senate or the house of representatives, or both, is required by any section of the constitution, action by the general assembly shall constitute full compliance therewith.

The people reserve to themselves the power to propose to the general assembly laws and amendments to the constitution, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided. They also reserve the power to adopt or reject any law, any section of any law or any item in any law appropriating money passed by the general assembly except as hereinafter provided; and independent of the general assembly to propose amendments to the constitution and to adopt or reject the same at the polls. The limitations expressed in the constitution, on the power of the general assembly to enact laws, shall be deemed limitations of the power of the people to enact laws.

Sec. 2. Representatives in the general assembly shall be elected biennially by the electors of the respective assembly districts, in such manner as shall be provided by law. Their terms shall commence on the first day of January next after their election, and shall continue two years. All vacancies which may happen in the general assembly may be filled for the unexpired term in such manner as may be provided by law.

Sec. 9. The general assembly shall keep a correct journal of its proceedings, which shall be published. On demand of any member a roll call shall be taken upon any action of the general assembly and the names of the members voting for or against entered upon the journal. Every committee to which a bill or other matter is referred shall return the same to the general assembly with a report thereon. On the engrossment and on the passage of every bill a vote shall be taken by yeas and nays and entered on the journal. Except in case of an emergency bill, no vote on final passage shall be taken until at least ten days after the bill shall have been engrossed in final form and adopted by the general assembly. No bill shall be engrossed, or passed into a law without the concurrence in

each case of a majority of all the members of the general assembly.

Sec. 14. The general assembly may establish a legislative council consisting of not more than fifteen members chosen from among the representatives. It shall be the duty of the council to prepare legislation for consideration by the general assembly and to make such investigations and to perform such other duties incident thereto as shall be provided by law or resolution. The general assembly may authorize or empower the council to meet at such periods either during or between sessions of the general assembly as shall be specified by law or resolution. The general assembly may provide by law for additional salary for members of the legislative council and for reimbursing them for their actual traveling expenses on public business directly connected with the duties of the council.

Sec. 19. No member of the general assembly shall during the term for which he shall have been elected or for one year thereafter be appointed to any civil office under this state.

Sec. 23. The governor, lieutenant governor and other elective or appointive executive officers of the state may be removed from office by resolution of the general assembly if two-thirds of the members elected thereto concur therein, but no such removal shall be made until the person sought to be removed shall have been given a statement of the reason for the removal, and an opportunity to be heard. Provision shall be made by law for the succession to the office of governor in the event of death, removal, or disability of both the governor and the lieutenant governor.

Sec. 24. The general assembly shall, within the first three months of the year next following the adoption of this section, and within each year thereafter whose number ends in one, divide the state by law into assembly districts. Each assembly district shall be composed of compact and contiguous territory. In dividing the state into assembly districts, care should be taken to make each district contain as nearly as possible one entire ratio of population with the least remaining fraction thereof which it is practicable to obtain. A ratio of population for the purpose of this section shall be one one-hundredth part of the population of the state. If no law dividing the state into assembly districts shall have taken effect within three months after any time limited in this section for the general assembly to divided the state into assembly districts, it shall be the duty of the secretary of state forthwith to divide the state into

assembly districts and to publish his proclamation thereof in the same manner as a law. At each election in November of the even-numbered years one representative shall be elected in each assembly district.

Sec. 25. The general assembly shall convene in regular session annually on the first Monday in January. Thereafter it shall not recess or adjourn for a longer period than three months. On petition signed by one-fifth of the members it shall be the duty of the secretary of state, by public proclamation and by notice to each representative, to convene the general assembly on a day specified in the petition, not sooner than thirty days after the last adjournment or recess of the general assembly, nor sooner than fifteen days after the filing of the petition with the secretary of state. Pending legislation and other pending business shall expire only with the term of office of the representatives, except such business as shall be referred to the succeeding session of the general assembly. The lieutenant governor shall be the speaker of each general assembly until and unless otherwise provided by such general assembly. When the lieutenant governor serves as speaker he shall receive the same salary and allowance as a representative in the general assembly.

Sec. 31. The salaries of the members of the general assembly shall be fixed by law and shall be paid in equal monthly installments. In addition to his salary each representative shall be paid mileage between his home and the capital by the most direct route at a rate per mile to be fixed by law, not more than once going and once returning each week during which such representative is in actual attendance. No representative, nor officer or employee of the general assembly shall be paid any allowance or perquisite of any kind except as expressly provided herein. No change in the compensation or mileage of representatives, officers or employees of the general assembly shall take effect during the legislative term.

If the votes cast for the proposal shall exceed those against it, such amendment shall go into effect on the first day of January, next following its adoption and new sections 1, 2, 9, 14, 19, 23, 24, 25 and 31 of Article II, as herein proposed, shall take effect, and existing sections 1, 2, 9, 11, 14, 15, 17, 19, 23, 24, 25 and 31 of Article II; Sections 8, 9, 16 and 17 of Article III; and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Article XI; of the constitution of the State of Ohio shall be thereby repealed. The general assembly in office at the time of the

adoption of this amendment shall continue in office without change of organization until the expiration of the term for which its members were elected."

"SUMMARY

The constitutional amendment proposed by this petition repeals the sections of the present constitution of Ohio which are enumerated in the foregoing title, and adopts in lieu thereof the nine new sections of Article II whose respective numbers and words are set out in that title and this petition.

It makes provision for a general assembly composed of a single house, instead of the previous provision for one composed of two houses.

It provides that there shall be approximately one hundred representatives in the general assembly.

It provides that elections for representatives in the general assembly shall be held in single member districts established by the assembly, composed of compact and contiguous territory and containing approximately equal population. If the assembly fails to redistrict the state once in each ten years, the secretary of state is required to perform this duty.

It provides that the general assembly may fix the method of filling vacancies in its membership.

It provides that the terms of representatives in the general assembly shall begin on the first day of January following their election.

It provides that on request of any member any vote of the general assembly shall be recorded and the names of those voting for and against entered on the journal.

It requires that all bills referred to a committee shall be reported back to the house with a recommendation thereon.

A record vote is required on engrossment and except for emergency laws, no bill may be finally passed until ten days after it has been engrossed. A second record vote is required for passage.

The general assembly is authorized to establish a legislative council to prepare legislation, make investigation and perform all functions under the direction and control of the assembly.

No member of the assembly is eligible for appointment to civil office under the state during his term or for one year thereafter.

In place of the former impeachment procedure it pro-

vides that the general assembly, by a two-thirds vote, may remove state officers for ineligibility, misconduct in office, or incapacity.

It provides that the general assembly shall convene at the beginning of the terms of newly elected members, and that it may not adjourn or recess thereafter for a longer period than three months at a time. Pending business remains active until the end of the biennium unless disposed of by the assembly.

Special sessions of the legislature may be called by petition of one-fifth of the members.

It provides that the lieutenant governor shall be president of the general assembly unless and until the assembly provides otherwise.

Salaries and allowances of members, officers and employees are restricted by definite rules as to manner and time of payment.

It omits language from Section 1 of Article II which was declared unconstitutional by the Supreme Court of the United States in 1920."

I am of the opinion that said summary is a fair and truthful statement of the proposed constitutional amendment and accordingly submit for uses provided by law the following certification:

"Pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, I hereby certify that the attached summary is a fair and truthful statement of the proposed amendment to the Constitution of Ohio by repealing sections 1, 2, 9, 11, 14, 15, 17, 19, 23, 24, 25 and 31 of Article II; Sections 8, 9, 16 and 17 of Article III; and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Article XI; and by adopting in lieu thereof Sections 1, 2, 9, 14, 19, 23, 24, 25 and 31 of Article II. HERBERT S. DUFFY, Attorney General."

Respectfully,

HERBERT S. DUFFY,
Attorney General.