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H.J.R. 4
134th General Assembly

Final Analysis

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Primary Sponsors: Reps. Edwards and Seitz

Effective date: Approved by the voters on November 8, 2022; takes effect immediately

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UPDATED VERSION*

SUMMARY

- Proposes to amend the Ohio Constitution to prohibit local governments from allowing persons to vote in local elections if they are not qualified to vote in state elections.
- Places the proposal on the ballot at the November 8, 2022, general election.

DETAILED ANALYSIS

The joint resolution places a proposed amendment to the Ohio Constitution on the ballot at the November 8, 2022, general election. If it is approved by a majority of the voters, the amendment takes effect immediately. The proposal prohibits local governments from allowing persons to vote in local elections if they are not qualified to vote in state elections – for example, non-U.S. citizens or persons under 18.

Currently, the Ohio Constitution specifies that:

Every citizen of the United States, of the age of eighteen years, who has been a resident of the state, county, township, or ward, such time as may be provided by law, and has been registered to vote for thirty days, has the qualifications of an elector, and is entitled to vote at all elections.

In general, this provision has been interpreted to mean that in order to vote in Ohio, a person must be a U.S. citizen, at least 18, a resident of the state for at least 30 days (the period prescribed

* This version updates the effective date.

by law), and registered to vote for at least 30 days before the election.¹ However, in 1917, the Ohio Supreme Court ruled that under the home rule provisions of the Ohio Constitution, a city could expand voting rights in city elections. In that case, the Court upheld an East Cleveland charter provision that allowed women to vote in city elections, although at the time, the Ohio Constitution and the U.S. Constitution gave only men the right to vote.²

Under the proposed amendment, the Ohio Constitution would state that *only* a person who meets the listed requirements has the qualifications of an elector, and no person who lacks those qualifications may be permitted to vote in any state or local election. The proposal also amends the home rule provisions of the Constitution to include references to the new restriction.³

HISTORY

Action	Date
Introduced	05-17-22
Reported, H. State & Local Gov't	05-25-22
Adopted House (68-28)	05-25-22
Reported, S. Local Gov't & Elections	06-01-22
Adopted Senate (32-0)	06-01-22

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¹ Ohio Constitution, Article V, Section 1 and R.C. 3503.01. Federal law also prohibits non-U.S. citizens from voting in federal elections (18 United States Code 611).

² *State ex rel. Taylor v. French*, 96 Ohio St. 172 (1917).

³ Ohio Const., art. V, sec. 1; art. X, sec. 3; and art. XVIII, sec. 3.