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H.J.R. 4
134th General Assembly

Final Analysis

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Primary Sponsors: Reps. Edwards and Seitz

Adopted: June 1, 2022; to be submitted to the voters on November 8, 2022; if approved, takes effect immediately

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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 by law), and registered to vote for at least 30 days before the election.¹ However, in

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).

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 (see **COMMENT**).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

COMMENT

Today, it appears that only one Ohio municipality allows otherwise-ineligible persons to vote in local elections. In 2020, the Village of Yellow Springs approved a charter amendment to allow non-U.S. citizens to vote in village elections. But, it seems that no noncitizen has registered to vote in the village. If such a person did register, that action likely would trigger a lawsuit. LSC cannot predict how a reviewing court would rule in such a case.⁴

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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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.

⁴ Megan Bachman, "[Noncitizen voting under fire](#)," *The Yellow Springs News* (August 13, 2020) and Audrey Hackett, "[Voting begins for Nov. 3 election](#)," *The Yellow Springs News* (October 16, 2020). Both articles are available on *The Yellow Springs News* website at ysnews.com.