

Issue 1

Proposed Constitutional Amendment

Proposed by Joint Resolution of the General Assembly To amend Section 6 of Article IV and to repeal Sections 19 and 22 of Article IV of the Constitution of the State of Ohio

A majority yes vote is required for the amendment to Section 6 and the repeal of Sections 19 and 22 to pass.

This proposed amendment would:

1. Increase the maximum age for assuming elected or appointed judicial office from seventy to seventy-five.
2. Eliminate the General Assembly’s authority to establish courts of conciliation.
3. Eliminate the Governor’s authority to appoint members to a Supreme Court Commission.

If approved, the amendment shall take effect immediately.

A “YES” vote means approval of the amendment to Section 6 and the repeal of Sections 19 and 22.

A “NO” vote means disapproval of the amendment to Section 6 and the repeal of Sections 19 and 22.

	YES	SHALL THE AMENDMENT BE APPROVED?
	NO	

Issue 1 Arguments

Argument in Favor of Issue 1:

A “YES” vote for Issue 1 would change the Constitution of Ohio to increase from 70 to 75 the maximum age to which a person may be elected or appointed judge.

- **ISSUE 1 KEEPS EXPERIENCE, KNOWLEDGE, AND INTEGRITY IN THE JUDICIAL SYSTEM.** Ohio voters last addressed the judicial retirement age more than 40 years ago in 1968. The quality of life and life expectancy rates have changed over time. People are living longer and are still mentally sound and physically capable of serving the public beyond age 70. Judges are the only elected officials in Ohio that have a mandatory age retirement set by the Ohio Constitution. The majority of other states already have age limits higher than 70 or no mandatory age limit on retirement.
- **ISSUE 1 STILL INCLUDES RIGOROUS JUDICIAL ACCOUNTABILITY.** Ohio has safeguard measures in place to protect the public from judges who are not physically, mentally, or intellectually able to carry out the duties of their respective offices. The Supreme Court of Ohio has the constitutional responsibility to oversee the practice of law in the state and has one of the most comprehensive disciplinary systems in the nation. Through the Office of Disciplinary Council, all complaints concerning ethical misconduct and/or mental illness of judges or attorneys are fully investigated.

ISSUE 1 CREATES NO ADDITIONAL FINANCIAL BURDEN. There is no additional costs for Ohio’s taxpayers, to the state, or other funding agencies, as Ohio judges are paid the same amount, regardless of their years of service. Changing the age of retirement does not guarantee that judges automatically get to continue their careers, as Ohio voters will have the final say whether a judge is competent to serve and deserves another term.

Submitted by Rep. Matt Huffman (R-Lima) and Sens. Larry Obhof (R-Montville Twp.), Scott Oelslager (R-Canton) and Joe Schiavoni (D-Youngstown).

Argument Against Issue 1:

Under Article 4 Section 6 of Ohio's Constitution a person age 70 or older is not eligible for election to a judicial office.

The age limit embodied in our state's Constitution prevents our bench from being held for decades by an entrenched judiciary. Our judges face election every 6 years. Periodic elections coupled with a reasonable age limit assure that our judiciary remains efficient and productive. Our current system has served Ohio well and the quality of our judiciary has never been better.

When a judge reaches 70 they complete their full term in office. A person elected at age 69 can serve until age 75. A retired judge can remain on the bench by assignment. The supreme court of Ohio as adopted a policy that allows retired judges to serve until age 80.

Issue 1 proposes to extend the judicial age limit to 75 years. The additional five years will burden our courts with some judges who's best years are behind them. It will also make our pool of retired judges eligible to sit by assignment much older. This will have a negative impact on the quality and performance of Ohio's judiciary.

Issue 1 places two other court related proposals before voters for consideration. It removes antiquated constitutional provisions regarding the legislature and the Governor's authority over rarely used courts of conciliation and Supreme Court commissions. These provisions should be addressed separately and not combined with the unnecessary proposition extending age limits for elected judges.

Our current system works, Issue 1 attempts to fix something that is not broken and it should be rejected by Ohio's voters.

Submitted by Reps. Tracy Heard (D-Columbus) and Mark Okey (D-Carrollton)