SUPPLEMENT TO

The Mahoning Dispatch.

CANFIELD, OHIO, FRIDAY, AUGUST 9, 1912.

This is an exact copy of an official notice issued by authority of the Constitutional Convention. The explanatory matter following each amendment has been considered and approved by vote of the Convention.

ADDRESS TO THE PEOPLE

TO THE PEOPLE OF THE STATE OF OHIO:

The Fourth Constitutional Convention, having been authorized to draft a partial or complete revision of the fundamental law of the State, hereby announces the conclusion and result of its labors.

Forty-one Amendments to the Constitution have been agreed to. These, with an amendment on schedule, will be submitted to popular vote, September 3, 1912.

The form of the ballot will permit a separate vote on each amendment, and the majority of the votes cast upon any amendment will be sufficient for its adoption.

The members of the Convention appreciate profoundly the honor of the service they were called upon to render, and await, with hope of approval, the verdict of a sovereign people.

A facsimile of the ballot to be used at the special election and the text of each amendment to be submitted, accompanied with explanatory matter authorized by the Convention, are herewith set forth.

Attest: C. B. GALBREATH, Secretary. **HERBERT S. BIGELOW, President.**

Number 1.

Reform in Civil Jury System.

ARTICLE I.

Sec. 5. The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury.

By this amendment no change is made in the right or method of trial by jury in criminal cases, but if the law-making body so desires, provision may be made that in civil cases a verdict may be rendered in the event that not less than nine of the jurymen agree thereon.

Number 2.

Abolition of Capital Punishment.

ARTICLE I.

Sec. 9. All persons shall be bailable by sufficient sureties, except those charged with murder in the first degree, where proof is evident or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted; nor shall life be taken as a punishment for crime. Until otherwise provided by law, persons convicted of crimes heretofore punishable by death shall be punished by imprisonment in the penitentiary during life.

The foregoing amendment, if adopted by the electorate of the state, will substitute life imprisonment for the death penalty. There will be no more legal executions in the state for crime of any kind.

Number 3.

Depositions by State and Comment on Failure of Accused to Testify in Criminal Cases.

ARTICLE I.

Sec. 10. Except in cases of impeachment, cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and cases involving offenses for which the penalty provided is less than imprisonment in the penitentiary, no person shall be held to answer for a capital, or otherwise infamous, crime, unless on presentment or indictment of a grand jury; and the number of persons necessary to constitute such grand jury and the number thereof necessary to concur in finding such indictment shall be determined by law. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed; but provision may be made by law for the taking of the deposition by the accused or by the state, to be used for or against the accused, of any witness whose attendance can not be had at the trial, always securing to the accused means and the opportunity to be present in person and with counsel at the taking of such deposition, and to examine the witness face to face as fully and in the same manner as if in court. No person shall be compelled, in any criminal case, to be a witness against himself; but his failure to testify may be considered by the court and jury and may be made the subject of comment by counsel. No person shall be twice put in jeopardy for the same offense.

The amendment proposes: 1. That the number of persons to constitute a grand jury and the number necessary to concur in finding an indictment shall be determined by law. At present a grand jury is composed of fifteen persons, at least twelve of whom are necessary to concur in finding an indictment.

2. That provision may be made by law for the taking by the accused and also by the state of the deposition of any witness whose attendance cannot be had at the trial. It is also provided in the amendment that if such depositions are taken, the means and the opportunity must always be secured to the accused to be present in person and with counsel at such taking and to examine the witness, whose deposition is so being taken, in the same manner as if present in court.

3. That if the accused fails to testify such failure may be considered by the court and jury and may be made the subject of comment by counsel, none of which may be done at present.

Number 4.

Suits Against the State.

ARTICLE I.

Sec. 16. All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay. Suits may be brought against the state, in such courts and in such manner, as may be provided by law.

Under our present system of procedure persons having disputed claims against the state must either have them allowed by the general assembly or must secure permission by special law to bring suit against the state. To simplify this and to prevent unnecessary legislation this amendment is proposed. If adopted, it will authorize individuals to bring suit against the state the same as against private persons, in such courts and in such manner as may be provided by law.

Number 5.

Damage for Wrongful Death.

ARTICLE I.

Sec. 19a. The amount of damages recoverable by civil action in the courts for death caused by the wrongful act, neglect, or default of another, shall not be limited by law.

Under the present constitution in a civil action for death caused by the wrongful act, neglect or default of another, the legislature may limit the amount of the recovery and has exercised that right. If this amendment is adopted, the law-making power can place no limit on the amount of recovery in such cases.

Number 6.

Initiative and Referendum.

ARTICLE II.

Sec. 1. The legislative power of the state shall be vested in a general assembly consisting of a senate and house of representatives but 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, 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 on the power of the people to enact laws.

Sec. 1a. The first aforestated power reserved by the people is designated the initiative, and the signatures of ten per centum of the electors shall be required upon a petition to propose an amendment to the constitution. When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary of state, and verified as herein pr vided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors, the proposed amendment, in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to ninety days after the filing of such petition. The initiative petitions, above described, shall have printed across the top thereof: "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors".

Sec. 1b. When at any time, not less than ten days prior to the commencement of any session of the general assembly, there shall have been filed with the secretary of state a petition signed by three per centum of the electors and verified as herein provided, proposing a law, the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the general assembly as soon as it convenes. If said proposed law shall be passed by the general assembly, either as petitioned for or in an amended form, it shall be subject to the referendum. If it shall not be passed, or if it shall be passed in an amended form, or if no action shall be taken thereon within four months from the time it is received by the general assembly, it shall be submitted by the secretary of state to the electors for their approval or rejection at the next regular or general election, if such submission shall be demanded by supplementary petition verified as herein provided and signed by not less than three per centum of the electors in addition to those signing the original petition, which supplementary petition must be signed and filed with the secretary of state within ninety days after the proposed law shall have been rejected by the general assembly or after the expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the general assembly shall have been filed by the governor in the office of the secretary of state. The proposed law shall be submitted in the form demanded by such supplementary petition, which form shall be either as first petitioned for or with any amendment or amendments which may have been incorporated therein by either branch or by both branches, of the general assembly. If a proposed law so submitted is approved by a majority of the electors voting thereon, it shall be the law and shall go into effect as herein provided in lieu of any amended form of said law which may have been passed by the general assembly, and such amended law passed by the general assembly shall not go into effect until and unless the law proposed by supplementary petition shall have been rejected by the electors. All such initiative petitions, last above described, shall have printed across the top thereof, in case of proposed laws: "Law Proposed by Initiative Petition First to be Submitted to the General Assembly". Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors. Any proposed law or amendment to the constitution submitted to the electors as provided in section 1a and section 1b, if approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which it was approved and shall be published by the secretary of state. If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law, or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the electors shall be subject to the veto of the governor.

Sec. 1c. The second aforestated power reserved by the people is designated the referendum, and the signatures of six per centum of the electors shall be required upon a petition to order the submission to the electors of the state for their approval or rejection, of any law, section of any law or any item in any law appropriating money passed by the general assembly. No law passed by the general assembly shall go into effect until ninety days after it shall have been filed by the governor in the office of the secretary of state, except as herein provided. When a petition, signed by six per centum of the electors of the state and verified as herein provided, shall have been filed with the secretary of state within ninety days after any law shall have been filed with the governor in the office of the secretary of state, ordering that such law, section of such law or any item in such law appropriating money be submitted to the electors of the state for their approval or rejection, the secretary of state shall submit to the electors of the state for their approval or rejection such law, section or item, in the manner herein provided, at the next succeeding regular or general election in any year occurring subsequent to sixty days aftr the filing of such petition, and no such law, section or item shall go into effect until and unless approved by a majority of those voting upon the same. If, however, a referendum petition is filed against any such section or item, the remainder of the law shall not thereby be prevented or delayed from going into effect.

Sec. 1d. Laws providing for tax levies, appropriations for the current expenses of the state government and state institutions, and emergency laws necessary for the immediate preservation of the public peace, health or safety, shall go into immediate effect. Such emergency laws upon a yea and nay vote must receive the vote of two-thirds of all the members elected to each branch of the general assembly, and the reasons for such necessity shall be set forth in one section of the law, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon. The laws mentioned in this section shall not be subject to referendum.

Sec. 1e. The powers defined herein as the "initiative" and "referendum" shall not be used to pass a law authorizing any classification of property for the purpose of levying different rates of taxation thereon or of authorizing the levy of any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon or to personal property.

Sec. 1f. The initiative and referendum powers are hereby reserved to the people of each municipality on all questions which such municipalities may now or hereafter be authorized by law to control by legislative action; such powers shall be exercised in the manner now or hereafter provided by law.

Sec. 1g. Any initiative, supplementary or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative, supplementary or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence. A signer residing outside of a municipality shall state the township and county in which he resides. A resident of a municipality shall state in addition to the name of such municipality, the street and number, if any, of his residence and the ward and precinct in which the same is located. The names of all signers to such petition shall be written in ink, each signer for himself. To each part of such petition shall be attached the affidavit of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of the signers of such part of such petition and shall state that each of the signatures attached to such part was made in the presence of the affiant, that to the best of his knowledge and belief each signature on such part is the genuine signature of the person whose name it purports to be, that he believes the persons who have signed it to be electors, that they so signed said petition with knowledge of the contents thereof, that each signer signed the same on the date stated opposite his name; and no other affidavit thereto shall be required. The petition and signatures upon such petitions, so verified, shall be assumed to be in all respects sufficient, unless not later than forty days before the election, it shall be otherwise proved and in such event ten additional days shall be allowed for the filing of additional signatures to such petition. No law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving an affirmative majority of the votes cast thereon, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency. Upon all initiative, supplementary and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state, petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county. A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both against any law, section or item, submitted to the electors by referendum petition, may be named in such petition and the persons who prepare the argument or explanation, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by the general assembly, if in session, and if not in session then by the governor. The secretary of state shall cause to be printed the law, or proposed law, or proposed amendment to the constitution, together with the arguments and explanations, not exceeding a total of three hundred words for each, and also the arguments and explanations, not exceeding a total of three hundred words against each, and shall mail, or otherwise distribute, a copy of such law, or proposed law, or proposed amendment to the constitution, together with such arguments and explanations for and against the same to each of the electors of the state, as far as may be reasonably possible. Unless otherwise provided by law, the secretary of state shall cause to be placed upon the ballots, the title of any such law, or proposed law, or proposed amendment to the constitution, to be submitted. He shall also cause the ballots so to be printed as to permit an affirmative or negative vote upon each law, section of law, or item in a law appropriating money, or proposed law, or proposed amendment to the constitution. The style of all laws submitted by initiative and supplementary petition shall be: "Be it Enacted by the People of the State of Ohio," and of all constitutional amendments: "Be It Resolved by the People of the State of Ohio." The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor. The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved.

SCHEDULE.

The foregoing amendment, if adopted by the electors, shall take effect October 1, 1912.

The purpose of this amendment is to enable the people to propose amendments to the constitution, to propose laws to the general assembly for enactment and also to enable the electors to require any law passed by the general assembly to be submitted to a popular vote.

The amendment provides:

1. That if ten per centum of the electors sign a petition to be filed with the secretary of state proposing an amendment to the constitution, such proposed amendment shall be submitted to the electors at the next election held subsequent to ninety days after the filing of such petition. If the majority of those voting upon the proposed amendment vote in the affirmative, the amendment becomes a part of the constitution.

2. That if at any time not less than ten days prior to the commencement of any session of the general assembly three per centum of the electors shall sign a petition proposing a bill and shall file the same with the secretary of state, it shall be transmitted by him to the general assembly. If the general assembly passes the bill as petitioned for, it shall become a law subject always to the referendum as hereinafter defined. If the general assembly fails to pass the law petitioned for, or passes it in an amended form, a petition containing the signatures of three per centum of the electors in addition to the original three per centum may require the submission to the voters for approval or rejection of the law originally petitioned for, or as modified by any of the amendments proposed by the general assembly. If a majority of those voting on the proposed measure vote in favor of it, then it shall become a law and the law passed by the legislature, if any, pursuant to the petition presented to the general assembly, shall become void.

3. That at any time within ninety days after a law passed by the general assembly has been filed with the secretary of state, six per centum of the electors may sign and file with the secretary of state a petition demanding the submission of such law to the people at their next election for their approval or rejection. If a majority of those voting upon the measure vote against the same, it shall be void.

4. That laws providing for tax levies, appropriations for the current expenses of the state government and institutions and emergency laws necessary for the immediate preservation of the public peace, health or safety shall go into effect immediately if they receive a two-thirds vote of all the members elected to the general assembly.

5. That the initiative and referendum shall not be used to pass laws authorizing the classification of property for taxation or for the levy of any single tax on land or land values. It provides that the initiative and referendum powers are reserved to the people of each municipality to be exercised in the manner now or hereafter provided by law.

6. That each of one-half of the counties of the state must furnish the signatures of not less than one-half of the designated percentage of the electors of such county.