

## ***Our State Constitution*** - A Student's Guide to the Ohio Constitution

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As we have learned, Ohio's journey to statehood dates back to the *Ordinance of 1787* and the creation of the *Northwest Territory*. As America began to expand westward, the Northwest Territory was an important governmental region established within the early United States. The area encompassed what is now Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota.

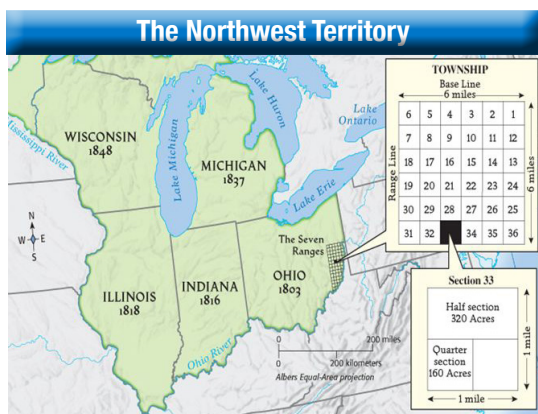
### Westward Expansion

The *Treaty of Paris*, signed on September 3, 1783, between the American colonies and Great Britain, ended the American Revolution and formally recognized the United States as an independent nation. Two important provisions of the treaty were British recognition of U.S. independence and gaining all territory between the Allegheny Mountains on the east and the Mississippi River on the west. Now the challenge for our leaders in the United States was to develop the process for settlement and division of the Northwest Territory.

The *Northwest Ordinances*, also called the *Ordinances of 1784, 1785, and 1787*, gave the United States this orderly and equitable procedure for settlement. The Northwest Ordinance of 1787 was the most important of the three acts. It was the basis for the government of the Northwest Territory and allowed for the creation of at least three, but not more than five, states.

The Northwest Ordinance of 1787 established a three-step process for statehood:

1. Settlers came to a territory, and a governor was appointed.
2. Once the population totaled 5,000 free adult males who owned at least 50 acres of land, they could establish their own government.
3. Once the population grew to 60,000, the territory could then apply to Congress for statehood with its government and constitution.



These five states were the result of dividing up this region; the land was divided into townships six miles wide by 6 miles long, then divided again into 36 one-mile square sections that were intended for farms. You can still see this checkerboard pattern when you fly across the country on a clear day.

### Ohio Becomes a State

In November 1802, 35 delegates convened to draft an Ohio Constitution. This was the final requirement under the Northwest Ordinance. Thomas Worthington carried the document to Washington, D.C., and formally presented the Constitution to Congress on December 22, 1802. Ohio was the first state to be formed from the Northwest Territory, officially becoming the 17th state of the United States of America on March 1, 1803.

The established ordinances were considered the most significant accomplishment of the Articles of Confederation; it not only developed a process for admitting new states to the Union but also mandated that new states meet the following principles:

- had to guarantee basic rights to the people, including religious freedom, the writ of habeas corpus, and trial by jury;
- outlawed slavery in this new land;
- encouraged education, allocating land for that purpose;
- good faith must be used when dealing with Native Americans (which was difficult as many did not consent to American control leading to such battles as the Battle of Fallen Timbers).

The states in the Northwest Territory would be equal to the original 13 states. They would have the same representation, which at the time gave each state two representatives in the Senate and one representative in the House for every 30,000 residents.

### Reading the Northwest Ordinance

You can read the entire Northwest Ordinance at [www.ourdocuments.gov](http://www.ourdocuments.gov), along with viewing a high-resolution copy of the two pages from the original document. Within the 14 sections and six articles, you will find the wording of the document that was summarized in this unit.

### QUESTIONS

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_ 1. Illinois was another state that was formed from the Northwest Ordinance.
- \_\_\_ 2. Michigan became a state before Ohio.
- \_\_\_ 3. The creation of a state constitution occurred after being admitted to the Union.
- \_\_\_ 4. Slavery was outlawed in the new states formed from Northwest Territory.
- \_\_\_ 5. The original 13 colonies had more authority than the five newly established states.

**EVENTS IN ORDER.** Write the numbers *1 - 4*, indicating which historical events related to Ohio and the Northwest Ordinance happened *first, second, third, or fourth*.

- \_\_\_\_\_ Northwest Ordinance is established.
- \_\_\_\_\_ Ohio's first constitution is written.
- \_\_\_\_\_ Treaty of Paris was signed.
- \_\_\_\_\_ Articles of Confederation were ratified.

either case, the voters must approve any work of a constitutional convention.

**3. Initiative and referendum.** If 10 percent of the voters sign a proposed amendment (an *initiative*), it is submitted to the voters as above. (This voting on public matters by the voters is called a *referendum*.)

There have been 177 amendments to the Ohio Constitution compared to only 27 to the U.S. Constitution.

### Article 17 - Elections

Article 17 establishes the timing of general elections in Ohio. Many state offices are elected at the same time as the general election (held on the first Monday of November in even-numbered years) to increase voter turnout. The term of office of all elective county, township, municipal, and school officers shall end in an even number of years.

### Article 18 - Municipal Corporations

Article 18 outlines cities' and villages' governing structure, taxation, and power. This article explains *home rule* and gives limited authority to local governments to pass ordinances or local laws.

### Article 19 - Congressional Redistricting

The *Congressional Redistricting Procedures Amendment* was approved by voters as a legislatively referred constitutional amendment on May 8, 2018, made effective January 1, 2021. This created the three sections of Article 19. Ohio is the first state to require a certain level of support from the two major parties to approve a congressional redistricting plan in the state legislature. The General Assembly or the *Ohio Redistricting Commission* must adopt new congressional districts by a bipartisan vote for the plan to be effective for 10 years.

### State Constitution vs U.S. Constitution

Initially, state constitutions were short and brief. Today the 50 state constitutions average about 30,000 words (67,000 for Ohio). In comparison, the United States Constitution has 7,591 words (including the 27 amendments). Like the U.S. Constitution, state constitutions provide a framework of government that includes three branches. State constitutions are longer because they have many details and often address topics unique to the state. It is easy for these to become

outdated; thus, state constitutions are more open to amendments. Remember that the U.S. Constitution leaves the details to the lawmakers in Congress and the courts. This makes the U.S. Constitution very flexible and state constitutions often inflexible.

### Separation of Powers in Ohio

Many state constitutions clearly state that government is divided into three separate and distinct branches. The Ohio Constitution does not make such a declaration. Rather, separation of powers is implied in the Ohio Constitution from its structure. The Constitution of 1851 confers the three powers of government (legislative, executive, and judicial) upon three separate and distinct governmental entities (the General Assembly, the Governor, and the Judiciary) in Articles 2, 3, and 4.

The system of checks and balances reinforces the separation of powers concept. Not only is power divided, but one branch checks the other branches. For example, the courts have the power to declare laws and executive actions unconstitutional. The governor can veto bills from the legislature. The legislature must approve the government's budget and many of the governor's appointments. For example, the House of Representatives can impeach the Governor, other executive officers, and state judges. Impeachments are tried by the Senate.

These are all examples of the constitution's attempts and ultimately of the people to avoid concentrating too much power in one place. The people always retain the right to control government by amending the constitution, rewriting state constitutions, and voting for our elected officials.

### Ohio's Sunshine Laws

Ohio's "Sunshine Laws," known as the *Ohio Public Records Act* and *Ohio's Open Meetings Act*, promote government transparency. This fundamental idea is that government and activities should be open to public scrutiny, ensuring public access to records, meetings, and government conduct. These concepts are embedded and supported by the Ohio Constitution. The Sunshine Laws encourage public participation in government by ensuring that meetings and records are open and accessible. This aligns with the constitutional principle that government should be responsive to the people.

## Ohio History, Government, and Constitution Timeline of Key Events *(continued)*

1812	1816	1851	1861	1903	1919	1964
Ohio was key in the <i>War of 1812</i> , cementing America's independence, beginning westward expansion, and altering relationships with Native American tribes.	The Ohio State Capitol moved from Chillicothe to Columbus, becoming the current and permanent site.	Ohio's second constitution, the <i>Constitution of 1851</i> , is today's fundamental law of Ohio.	Because of its size and central location, Ohio played a vital role in the <i>Civil War</i> , with more than 300,000 Ohioans serving in the Union Army.	The Wright brothers changed the world by inventing the first airplane that could be controlled and powered by an engine.	Complete women's suffrage in Ohio was realized when the 19th Amendment was ratified.	Ohio impacted the Civil Rights Movement, with citizens helping pass laws like the <i>Civil Rights Act of 1964</i> and the <i>Voting Rights Act of 1965</i> .



**QUESTIONS**

**WHICH ARTICLE?** In which article of the state constitution would you find information on the following? (Give section number when possible.)

1. Rights of individuals \_\_\_\_\_
2. The governor \_\_\_\_\_
3. Jury trial \_\_\_\_\_
4. Search warrants \_\_\_\_\_
5. Initiative and referendum powers \_\_\_\_\_
6. The selection of judges \_\_\_\_\_
7. Revising the state constitution \_\_\_\_\_
8. Voting qualifications \_\_\_\_\_
9. Bipartisan creation of congressional districts \_\_\_\_\_
10. Public school system \_\_\_\_\_

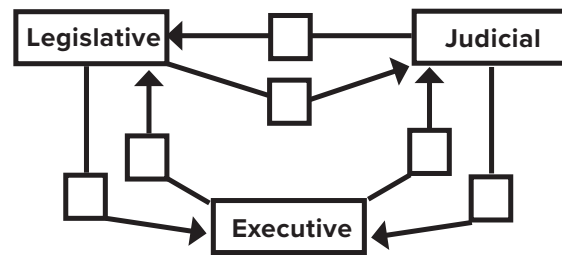
**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_ 1. Voters must approve changes in the state constitution.
- \_\_\_ 2. The General Assembly can call for a convention only with the voters' approval.
- \_\_\_ 3. The care of poultry and livestock is noted in the Ohio Constitution.
- \_\_\_ 4. The Ohio Constitution helps establish federal laws and treaties.
- \_\_\_ 5. State constitutions are always shorter in length and contain fewer details than the U.S. Constitution.
- \_\_\_ 6. There are more amendments in the U.S. Constitution than in the Ohio Constitution.
- \_\_\_ 7. The last article in the Ohio Constitution was approved in 1851.
- \_\_\_ 8. Article 11 establishes laws for fair representation in the General Assembly.
- \_\_\_ 9. The state government only shares limited information to the public.
- \_\_\_ 10. In Article 1, no additional sections can be added to the Ohio Bill of Rights.

**WHICH CONSTITUTION?** To compare and contrast the Ohio Constitution with the U.S. Constitution, put an "X" next to the details that apply to one or both.

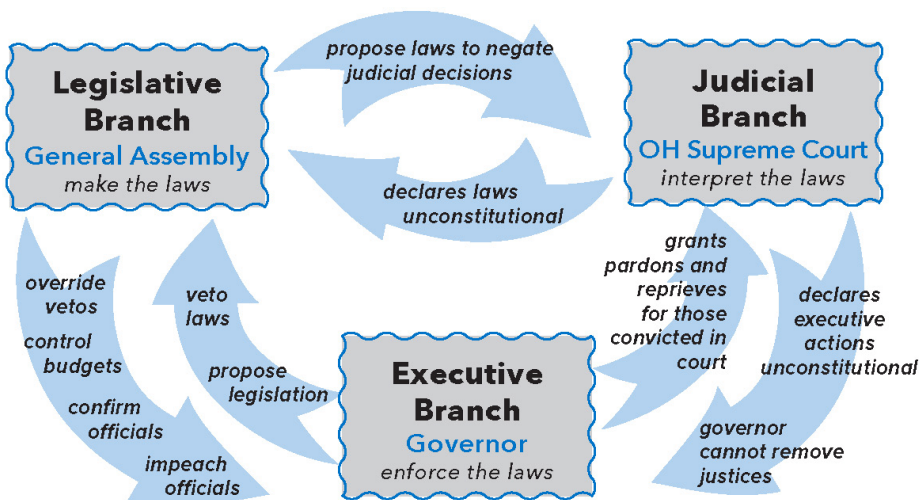
Item	OH	US
Contains freedom of speech		
Establishes federal laws and treaties		
Have a bill (or declaration) of rights		
Government with three branches		
Make laws to govern state's affairs		
Is the "Supreme Law of the Land"		
Begins with "We the People"		
Utilize the principle of separation of powers		
Has more Representatives than Senators		
Have a process for revising the Constitution		

**FILL IN THE BOXES (CHECKS & BALANCES)**



- a. governor can grant pardons to those convicted
- b. proposes laws to avoid judicial decision rulings
- c. may pass laws by overriding a governor's veto
- d. may declare laws from the General Assembly unconstitutional
- e. may veto laws passed by the General Assembly
- f. may declare executive orders unconstitutional

**System of Checks and Balances in the State of Ohio**



All state governments are modeled after the federal government and have three branches: executive, legislative, and judicial. The principle guiding federal and state constitutions is the **separation of powers**. The distribution of power with a system of **checks and balances** does not allow any single branch of government to have too much power. Some of the most critical "checks" by the branch are listed in the shaded arrows.

Although the governor is probably the most well-known executive branch member, many other individuals contribute to the smooth operation of state government. Besides the governor, the Ohio Constitution provides the following executive offices: lieutenant governor, secretary of state, auditor of state, treasurer of state, and attorney general. They all serve four-year terms and are elected by the people in even-numbered, nonpresidential election years.

### Lieutenant Governor

The lieutenant governor becomes governor if the office of governor should become vacant. The lieutenant governor makes the official declaration of the results of elections for state offices. The lieutenant governor is the deputy commander-in-chief of the state militia. The governor may appoint the lieutenant governor as a cabinet member or as his representative on agencies, committees, boards, or state commissions.

### Attorney General

The attorney general is the chief legal officer of the state. He or she also gives legal advice to other government officers. The attorney general or his or her assistants represent the state in all civil proceedings and many criminal prosecutions. The office is divided into 18 sections, each with specific functions. Some of the better known are Consumer Fraud and Crimes Division, Environmental Rights Section, and Civil Rights Section.

### Secretary of State

The secretary of state oversees the chartering of corporations, including foreign corporations. The secretary acts as the state's chief election officer and appoints the board of election members. The office of the secretary of state also publishes many pamphlets and booklets. The secretary is the custodian of all laws and resolutions passed by the General Assembly and has numerous other minor responsibilities.

### Treasurer of State

The treasurer of state receives all payments to the state. He or she maintains the various state accounts and processes all payments the state makes. The treasurer has custody of special funds in the state, such as State Teachers and School Employees Retirement Systems. The treasurer is chair of the Ohio State Board of Deposit, which invests the state's funds. The state treasurer does not levy taxes but collects them. The power to levy taxes is with the General Assembly. Of course, the state auditor supervises the work of the state treasurer carefully.

### Auditor of State

The auditor of state is the chief accounting officer of the state. That is, he or she is the guardian of public funds and sees that the state's money is being spent following the laws. The auditor examines the state's financial books and other government units inside the state. He or she also gives financial advice to these units of government. The distribution of federal funds is handled through this office.

## Executive Department Organizations

There are 22 departments of government within the executive branch. The heads of these are appointed by the governor, with the approval of the Senate. They serve at the governor's request, which means he or she can remove them. Some of the more important is the adjutant general, director of finance, director of highway safety, and the superintendent of public instruction (appointed by the state Board of Education). The appointive powers of the governor extend even further since he or she also appoints many other members of commissions and state committees.

## QUESTIONS

1. What are the qualifications for governor? \_\_\_\_\_  
\_\_\_\_\_

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_ 1. The General Assembly cannot be called into special session.
- \_\_\_ 2. The governor may remove any officer he or she feels are incompetent.
- \_\_\_ 3. The governor has the job of enforcing the law.
- \_\_\_ 4. The governor's salary is \$117,804.
- \_\_\_ 5. The governor is in charge of foreign affairs.
- \_\_\_ 6. The governor must be 35 years old or older.
- \_\_\_ 7. State executive officers serve four-year terms.
- \_\_\_ 8. The governor is elected at the same election as the president.
- \_\_\_ 9. There is no limit on the number of terms a governor can serve.
- \_\_\_ 10. The governor may partially veto a bill if it is an appropriations bill.
- \_\_\_ 11. Details of the executive branch are in Article 3 of the Ohio Constitution.
- \_\_\_ 12. The governor can only be impeached by the federal government.

**WHICH STATE OFFICIAL?** Which state official fits the statement given? Answer *Governor (G)*, *Lt. Governor (LT)*, *Attorney General (AG)*, *Secretary of State (SS)*, *Treasurer of State (TS)*, or *Auditor of State (AD)*.

- \_\_\_ 1. Appoints many department heads.
- \_\_\_ 2. Is the commander-in-chief of the state militia.
- \_\_\_ 3. Maintains the records of the General Assembly.
- \_\_\_ 4. Is the chief legal officer.
- \_\_\_ 5. Receives all payments to the state.
- \_\_\_ 6. Represents the governor on boards and councils.
- \_\_\_ 7. Would represent the state in court.
- \_\_\_ 8. Examines the spending of state offices.
- \_\_\_ 9. Submits the state budget to the General Assembly.
- \_\_\_ 10. First in line to succeed the governor if needed.
- \_\_\_ 11. Is the chief accounting officer.
- \_\_\_ 12. Is the chief election officer.

**Special-Purpose Districts**

For the purpose of providing special services for the people of Ohio, various special-purpose districts have been created. An example of a very common special-purpose district is the public school district. Other special-purpose districts would be forest preserve, transit authority, library district, mosquito abatement district, park district, and soil conservation district.

**Counties**

Ohio’s 88 counties vary in size from 232 to 706 square miles and in population from 13,000 to almost 1.3 million. The county is the major local subdivision of the state. It was created to help administer state laws. Some of the state functions that counties administer are justice (remember how Courts of Common Pleas are set up in each county), welfare, elections, collecting taxes, and keeping land records. Cities and villages are created upon the request of the people who feel they need them for their own interest, but counties are created by the state to carry out the state’s policies and laws. It is more difficult for counties to get home-rule status than it is for municipalities and only Summit County in Ohio has home-rule status.

Counties are run by three-person commissions elected for four-year terms. These commissioners must share power with the following elected officers: auditor, clerk of courts, coroner, engineer, prosecuting attorney, recorder, sheriff, and treasurer. The only control the commissioners have over these officers is through the budget. The *county seat* is the town that is the governmental center of each county and the base for these local government officials.

**Township**

Each county is divided into *townships*. Townships are general-purpose local governments that assess property and collect property taxes on behalf of schools and the county. Townships also conduct national, state, and local elections. They are charged with protecting the health, safety, and general welfare of their citizens and may provide police and fire protection, adopt and enforce ordinances, and control land use through zoning laws and other local regulations. The governing board of a township usually includes a supervisor, clerk, treasurer, and up to four board members, all elected to four-year terms. At last count there were 1,308 townships in Ohio.

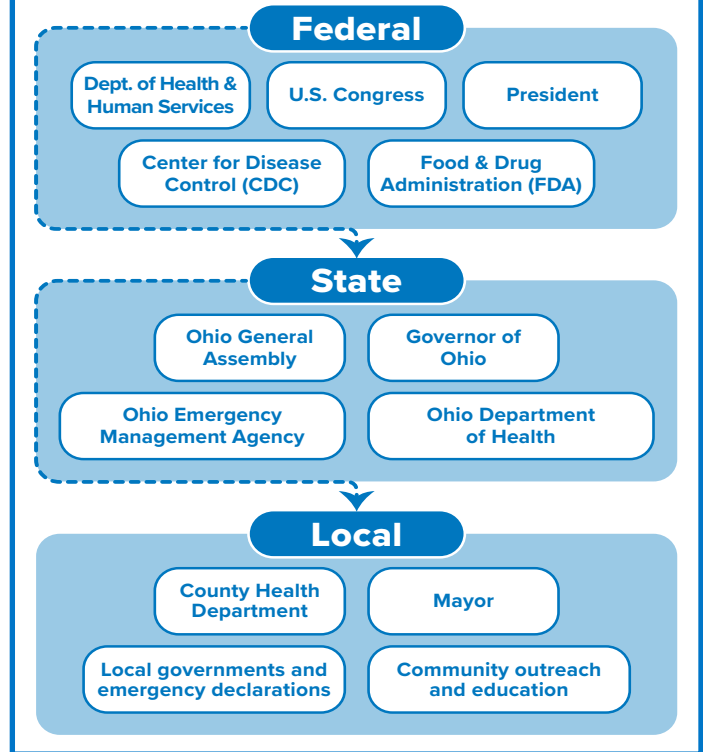
**QUESTIONS**

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_ 1. A weak mayor system is found in smaller cities.
- \_\_\_ 2. In the council-manager form, a manager runs the city.
- \_\_\_ 3. The mayor is the chief legislative official of the city.
- \_\_\_ 4. Every county has a township.
- \_\_\_ 5. Mayors are appointed by the governor to three-year terms.
- \_\_\_ 6. A mayor does not have the power to veto legislation.
- \_\_\_ 7. Special districts are created by the federal government.

**The Levels of Government**

There are three primary levels of government: federal, state, and local. The three levels played a significant role in responding to the COVID-19 pandemic. The federal government provided guidance and resources to state and local governments to help them navigate the challenges of the pandemic.



- \_\_\_ 8. There are 88 counties in Ohio.
- \_\_\_ 9. Counties follow and take direction from state government.
- \_\_\_ 10. A school district is a special-purpose district.

**WHICH FORM OF GOVERNMENT?** Which form fits the statement given? Answer *Mayor-Council (MC)*, *Council-Manager (CM)*, or *Commission Form (CF)*.

- \_\_\_ 1. The duties of city government are handled by a group of commissioners.
- \_\_\_ 2. A trained manager is elected by the city council to manage city affairs.
- \_\_\_ 3. The mayor presides over council meetings.
- \_\_\_ 4. Dayton uses this form of government.
- \_\_\_ 5. Have a “strong” and “weak” form.
- \_\_\_ 6. Consists of commissioners who have both legislative and executive powers.
- \_\_\_ 7. The oldest form of city government.

**SHORT ANSWER**

- 1. Explain *home rule*. \_\_\_\_\_
- 2. In which county do you reside? \_\_\_\_\_
- 3. Name one county service that directly affects you. \_\_\_\_\_

The following test will help you prepare for your final state unit test. It has questions similar to ones you will find on your final. It is suggested you write your answers on a piece of paper so you can take the test a number of times. You will find the correct answers at the bottom of Page 35.

### **MATCHING - Which Branch of Ohio government?**

Match the person or body in **Column A** with the correct branch of state government in **Column B**. Put the letter of the correct answer in the space provided.

#### **Column A**

- \_\_\_\_\_ 1. The Ohio Governor
- \_\_\_\_\_ 2. The Ohio House of Representatives
- \_\_\_\_\_ 3. The Ohio State Supreme Court
- \_\_\_\_\_ 4. Courts of Common Pleas
- \_\_\_\_\_ 5. Lieutenant Governor
- \_\_\_\_\_ 6. Ohio State Senate
- \_\_\_\_\_ 7. Treasurer of State

#### **Column B**

- a. The Legislative Branch
- b. The Judicial Branch
- c. The Executive Branch

### **FILL IN THE BLANKS - Write the correct answer in the space provided.**

- \_\_\_\_\_ 8. Who can veto a bill passed by the General Assembly?
- \_\_\_\_\_ 9. If the governor is unable to serve, who becomes governor?
- \_\_\_\_\_ 10. The next gubernatorial election in Ohio.
- \_\_\_\_\_ 11. This process enables citizens to bypass the state legislature by placing proposed statutes constitutional amendments on the ballot.
- \_\_\_\_\_ 12. The governor of Ohio.
- \_\_\_\_\_ 13. The next presidential election will be in this year.
- \_\_\_\_\_ 14. How many days does the governor have to consider a bill from the General Assembly?
- \_\_\_\_\_ 15. How many constitutions has Ohio had?
- \_\_\_\_\_ 16. Who may call special sessions of the General Assembly?
- \_\_\_\_\_ 17. The chief election officer of the state.
- \_\_\_\_\_ 18. The chief legal officer of the state
- \_\_\_\_\_ 19. How are Ohio judges selected?
- \_\_\_\_\_ 20. Name the election used to select candidates for the general election.
- \_\_\_\_\_ 21. The capital of Ohio.
- \_\_\_\_\_ 22. If the General Assembly wishes to pass a bill over a veto, what fractional vote is necessary?

### **MATCHING - Which State Court?**

Match the statement in **Column A** with the correct court in **Column B**. Put the letter of the correct answer in the space provided.

- \_\_\_\_\_ 23. Trial court created by Ohio Constitution
  - \_\_\_\_\_ 24. Has a juvenile division
  - \_\_\_\_\_ 25. The highest court in Ohio
  - \_\_\_\_\_ 26. There is one in all 88 counties
  - \_\_\_\_\_ 27. There are 12 districts
  - \_\_\_\_\_ 28. Oversees the entire court system
  - \_\_\_\_\_ 29. Cases decided by a three-judge panel
- a. Ohio Supreme Court
  - b. Court of Appeals
  - c. Court of Common Pleas

*continued*