

Ohio

The 22nd Amendment to the Constitution, which limits a person to being elected to the presidency two times, and sets additional eligibility conditions for presidents who succeed to the presidency, was voted out of Congress by a supermajority vote in both chambers. Between 1947 and 1951, the 22nd Amendment was ratified by 41 state legislatures and officially came into effect after 36 states ratified the amendment in February 1951. Since the history of the 22nd Amendment's passage and the intent of those who ratified it has become relevant again, this factsheet is part of a series covering each state's ratification process.

Ohio's consideration of the 22nd Amendment:

- Ohio's legislature voted to ratify the 22nd amendment on April 16, 1947, [becoming](#) the 13th state to do so.
- The Columbus Dispatch speculated that Ohio could become one of the first states to ratify the 22nd Amendment through the "simple procedure" of approval by three-fifths of the state House and Senate.
- The joint resolution to ratify the amendment [passed](#) in a [bipartisan](#) vote in the Ohio House 116 to 11, and the Ohio Senate through a concurrence vote of 26 to 5 with only Republican support.
- The joint resolution was introduced in the [House](#) by Representative Paul L. McCormick (R) and in the [Senate](#) by Senator David A. Liggitt (R).

Cases involving the 22nd Amendment in Ohio:

- Ohio case law confirms that the 22nd Amendment bars a president from being elected to a third term in office regardless of whether their two terms were successive or broken up by an intervening election.
- [*State ex rel Rhodes v. Brown*](#), examined whether Ohio's constitutional term limits barred Governor James (Jim) Rhodes (R) from seeking a third term after a three year hiatus from serving as Ohio's Governor from 1963-66 and 1967-71. The Secretary of State, Ted Brown (R), rejected Rhodes' filing citing Ohio's Constitutional limitation on holding office for "more than two successive terms." Rhodes filed suit challenging

Capitol Chatter

Ohio First On Two-Term Act?

By Vaughn Hill

OHIO, the state of Presidents, can very easily become the first to ratify a Constitutional amendment to limit the term of the office to two terms—eight years.

Congress has completed action on the proposal. It now needs the legislative concurrence of 36 of the 48 states in the next seven years to become operative. It would limit the term of any President, once elected, to one additional four-year tenure.

The only close bidder among states to be the first to ratify the Congressional action is Illinois. Its legislature reconvenes next Wednesday, and if official notification of the U. S. Senate and House action is received in time, it is possible the amendment could be ratified then.

Ratification by Ohio would be a simple procedure. All that is required is a joint resolution approved by a three-fifths vote of the state Senate and House. Gov. Thomas J. Herbert's signature is not necessary. The same holds true for President Truman.

UNLESS OHIO'S General Assembly acts speedily, 20 other states, besides Illinois, are in a position to become the first to take ratification action.

They are California, Colorado, Connecticut, Iowa, Maine, Maryland, Massachusetts, Michigan, Mississippi, Nebraska, New Hampshire, New Jersey, North Carolina, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont and Wisconsin.

While legislatures in the other states meet this year, their sessions are limited to either 60 or 90 days dating from the first of January.

Like Illinois, Ohio legislative ratification could be a one day, or an hour, affair.

Sentiment in the Illinois legislature is strongly in favor of quick ratification. Ohio's preponderantly Republican House and Senate could easily approve the Constitutional amendment in quick tempo.

THE ONLY other possible official state action would be a formal message of transmittal of Ohio's approval to Congress. Once passed by both houses of the legislature, the joint resolution cannot be vetoed by the governor.

The Constitutional amendment, which would become the twenty-second if ratified by the necessary 36 states, would permit a vice president who succeeded to the presidency through disqualification of the President to seek two full elected terms if he had not served more than two years of an unexpired term.

If he had served more than two years upon his automatic elevation, he would be limited to one legislative term.

Any President who takes office through election would be limited to one additional four-year term.

As finally adopted by Congress, the amendment would not apply to President Truman, but to all succeeding Presidents.

The 48 states will be notified soon of Congress' action. If, at the end of the prescribed seven years, the necessary 36 states have not ratified it, the amendment will automatically die.

this rejection, and in a 5-2 vote, the state's supreme court held that Rhodes was eligible to run for a third term given no language limiting term limits for Governor in Ohio. [34 Ohio St. 2d 101 \(1973\)](#)

- With respect to the 22nd Amendment, the Ohio Supreme Court acknowledged that "the framers of this limitation upon executive tenure were unequivocal in their declaration." [34 Ohio St. 2d 101, 103-04 \(1973\)](#)
- The Court noted that the Ohio Constitution's language was deliberately a "distinct and clear departure" from that of the 22nd Amendment.
- The Ohio Supreme Court explained that while the language of the U.S. Constitution's 22nd Amendment "limits [presidents] to two, four-year terms, during their lifetime" the Ohio Constitution only prohibits gubernatorial candidates from running for more than two terms successively.
- The Court wrote: "Had the people desired to reach the only logical result advocated by respondent, they would certainly have found the words of the Twenty-Second Amendment to the Constitution of the United States a compelling model: 'No person shall be elected to the office of the President more than twice....' Yet, in our state, those who sought to confine executive tenure chose the language heretofore discussed. This constituted a distinct and clear departure from that which could have been easily stated if the desired result was to limit persons to two, four-year terms during their lifetime."

Rhodes Wins Ohio Appeal
COLUMBUS, Ohio, May 10
(UPI)—The Ohio Supreme Court
ruled by a 5-to-2 vote today
that former Gov. James A.
Rhodes is eligible to run for a
third term as Governor in 1974.
Mr. Rhodes, who served in the
post from 1963 to 1971, chal-
lenged a section of the Ohio
Constitution providing that "no
person shall hold the office of
governor for a period longer
than two successive terms of
four years."