

**ISSUE 1: PROPOSED CONSTITUTIONAL AMENDMENT
TO CHANGE THE AGE AT WHICH A PERSON MAY NOT BE ELECTED OR
APPOINTED TO A JUDICIAL OFFICE AND TO ELIMINATE COURTS OF
CONCILIATION AND THE SUPREME COURT COMMISSION
(Proposed by Joint Resolution of the General Assembly of Ohio)**

To amend Section 6 and repeal Sections 19 and 22 of
Article IV of the Ohio Constitution

A YES vote means approval of the amendment.

A NO vote means disapproval of the amendment.

A majority YES vote is required for the amendment to be adopted.

If approved, the proposed amendment will take effect immediately after the election.

League Explanation of Issue 1: Currently a candidate for judge is not eligible to run or be appointed if the candidate will be 70 years old or older when assuming the office. The proposed change would prohibit a candidate for judge from being elected or appointed if that candidate exceeds the age of 75 years. This would allow a judge to assume office at age 75 and serve out a six year term, meaning that a judge could potentially serve until age 81. Currently Ohio is one of 20 states with an age of retirement of 70 years. Eighteen states have no age limit. Four have a retirement age of 72, seven have a retirement age of 75, and one has a retirement age of 90.

The amendment would eliminate the Supreme Court Commission (established in 1875) and Courts of Conciliation (established in 1851). Neither has ever been utilized.

Proponents of the proposed amendment argue that:

1. In 2011 people live longer and are mentally sound longer than was the case in 1968, when the current age limit was adopted.
2. Experienced, knowledgeable judges should be permitted to run for office. Voters should determine if a candidate for judge is able to serve.
3. If a judge is unable to perform judicial duties because of age or any other reason, the Ohio Supreme Court can discipline or remove the judge. In addition, judges are subject to impeachment proceedings in the Ohio General Assembly.

Opponents of the proposed amendment argue that:

1. Having a higher age limit effectively creates a more entrenched judiciary.
2. The current system works and there is no compelling reason to change it.
3. Extending the retirement age will burden the courts with some judges whose best years are behind them.