



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

REVISED MINUTES OF THE CONSTITUTIONAL REVISION AND UPDATING COMMITTEE

FOR THE MEETING HELD
THURSDAY, MARCH 13, 2014

Call to Order:

Chair Dennis Mulvihill called the meeting of the Constitutional Revision and Updating Committee to order.

Members Present:

A quorum was present with Chair Mulvihill, Vice-chair Kurfess, and committee members Abaray, Asher, Beckett, Curtin, Obhof, Readler, Sawyer, and Wagoner in attendance.

Approval of Minutes:

The minutes of the February 13, 2014 meeting of the committee were reviewed and approved.

Discussion:

Chair Mulvihill began the meeting by reviewing for the new members the work that had been done previously, as well as providing quick overview of the agenda items. The committee discussed whether there was a desire to change the geographic diversity requirement contained in Article II, Section 1g with regard to petitions. Section 1g requires the initiative proponents to account for urban and rural areas of the state, in order to build a broad-based consensus. Although this was a major concern at the 1912 Convention, the committee did not see a need to overturn the wisdom of that convention. Thus, committee members were not in favor or did not think that topic was worthy of further discussion.

The committee also discussed updating the petition process to allow online or electronic signatures and notices. The committee expressed an interest in continuing that discussion at future meetings.

Senior Policy Advisor Steven H. Steinglass provided assistance to the committee's discussion of various options to encourage citizens in the initiative process to take the statutory route as opposed to the amendment route, particularly in those circumstances where the initiated law is

not worthy of constitutional approbation. Data presented to the committee suggests that, in recent years, few Ohioans are attempting initiated statutes, and almost all initiatives are for constitutional amendments.

Committee member Roger Beckett, in consultation with Mr. Steinglass, put together two large spread sheets containing the results of all proposed constitutional amendments since 1912. Chair Mulvihill noted the data helped the committee to reach some conclusions, including rejecting a revision that would require not just a majority vote to pass an initiative or referendum, but also would require a certain percentage of votes in that election to be cast either for or against the proposal. Chair Mulvihill noted this concept was born out of the concern that there has been a substantial drop-off in most elections concerning initiative and referendum ballot issues. However, Chair Mulvihill noted the data did not support that concern; instead reflecting that there has not been much drop-off when it comes to initiative and referendum issues in recent decades.

Committee members expressed concern that the supplemental petition section (Article II, Section 1b) is both poorly drafted and an impediment to those who might otherwise choose the initiated statute route. The committee held a separate discussion concerning the idea to impose constitutional protections for initiated statutes, such as preventing the General Assembly from rewriting or repealing any such statute for a period of time, and/or only with a super majority of votes.

The committee also discussed increasing the percentage of favorable votes necessary to pass a constitutional amendment from a simple majority to something more. No specific proposal was discussed, but the topic was addressed in general terms. Committee members noted the argument behind the discussion to increase the threshold recognizes that it is constitutionally desirable to encourage initiated statutes, and keep the amendments to a meaningful minimum. Further, committee members observed that the founding document should not be so easily amended in the current political climate where moneyed interests seem to have an easier time getting proposals on the ballot than true grass-roots coalitions of citizens.

Adjournment:

With no further business to come before the committee, the meeting adjourned.

Approval:

The minutes of the March 13, 2014 meeting of the Constitutional Revision and Updating Committee were approved at the April 10, 2014 meeting of the committee.

/s/ Dennis P. Mulvihill
Dennis P. Mulvihill, Chair

/s/ Charles F. Kurfess
Charles F. Kurfess, Vice-chair