



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### MINUTES OF THE COORDINATING COMMITTEE

FOR THE MEETING HELD  
THURSDAY, JANUARY 14, 2016

#### **Call to Order:**

Chair Kathleen Trafford called the meeting of the Coordinating Committee to order at 12:40 p.m.

#### **Members Present:**

A quorum was present with Chair Trafford and committee members Abaray, Jordan, Mulvihill, and Sykes in attendance.

#### **Approval of Minutes:**

The minutes of the December 10, 2015 meeting of the committee were approved.

#### **Presentations:**

Continuing the Coordinating Committee's review of the progress of the subject matter committees, Chair Trafford recognized Dennis Mulvihill, chair of the Constitutional Revision and Updating Committee, who provided a status report on the committee's work.

#### *Constitutional Revision and Updating Committee*

Mr. Mulvihill reported that the committee spent most of 2015 considering a revision to the constitutional initiative that would prevent its use to support private business interests. He said this issue ultimately was taken up by the General Assembly, became the subject of a joint resolution to amend the constitution to prohibit the use of the initiative to create a monopoly, and was placed on the ballot as Issue 2 and passed by voters on November 3, 2015.

He said the committee now is considering revisions to the statutory initiative, noting that the premise behind everything the committee has done is to make sure the public still has access to direct democracy. He said there is a consensus that some matters should not be in the constitution but should be in the Revised Code. He noted that the procedure for initiating a

statutory law, as provided in Article II, is burdensome and lengthy. He observed that the structure dissuades people from amending statutory law and may encourage them to amend the constitution instead. He said the committee's goal is to make it easier to take the statutory initiative route as a way of discouraging the constitutional route. He said the committee is considering several ways to do this, including eliminating the supplementary petition requirement and putting in a "safe harbor" provision. Mr. Mulvihill thanked staff for their contributions to the efforts of the committee.

Chair Trafford asked whether the committee has heard from members of the public on proposed changes. Mr. Mulvihill said several presenters appeared, including Auditor of State David Yost and Attorney Ian James relating to a citizen's initiative to legalize marijuana. He said the committee also heard from some interest groups and other individuals, including Don McTigue and Maurice Thompson, attorneys who practice in this area.

There being no other questions, Chair Trafford thanked Mr. Mulvihill for his presentation.

#### *Judicial Branch and Administration of Justice Committee*

Chair Trafford then recognized Janet Abaray, chair of the Judicial Branch and Administration of Justice Committee, who provided a status report of the committee's work.

Ms. Abaray said the committee has focused its work on some questions that have been directed to the committee by Ohio Supreme Court Chief Justice Maureen O'Connor. Ms. Abaray said the committee spent significant time considering the issue of judicial selection. In this regard, the committee heard presentations from Chief Justice O'Connor, Justice Paul Pfeiffer, Senior Policy Advisor Steven H. Steinglass, and others. She said the committee considered proposals such as switching the elections of supreme court justices to odd years, changing the order on the ballot, having a commission look at judicial qualifications, creating a nominating commission, increasing age or experience requirements, providing for public funding of campaigns and other topics related to campaign finance, and various options for a judicial appointment system. Ms. Abaray said the end result was that the committee could not reach a consensus on improvements to the current system. She said the committee decided to move off of the topic, although she said the committee could return to the topic should events warrant it.

She said the committee currently is discussing Ohio's grand jury system, at the request of Senator Sandra Williams, who raised the issue in a letter to the chief justice. She said this topic arose due to grand jury activity relating to recent shootings by law enforcement officers. Ms. Abaray said the committee is considering whether to recommend modifying the grand jury process as a way of increasing public confidence in the system. She said the committee has heard good presentations from legal scholars and prosecutors on the history and use of the grand jury. She said the committee has only started to explore this topic.

There being no questions, Chair Trafford thanked Ms. Abaray for her presentation.

**Reports and Recommendations:**

*Article II, Section 2 (Election and Term of State Legislators)*

Chair Trafford then directed the committee’s attention to a report and recommendation from the Legislative Branch and Executive Branch Committee, regarding Article II, Section 2 (Election and Term of State Legislators). The report and recommendation was presented to the committee at the December 10, 2015 meeting, but at that time the committee voted to table the vote to approve the report and recommendation to allow committee members to consider the ramifications of sending to the full Commission separate options for changing a constitutional provision.

Mr. Mulvihill moved to approve the report and recommendation, and Ms. Abaray seconded the motion.

Mr. Mulvihill commented that a conversation in the full Commission earlier that day indicated to him that there is “some fluidity” in regard to what action the Commission may take in relation to a report and recommendation. He said, as a result, he has less concern about sending alternatives to the commission for its consideration. Chair Trafford said she does not know why it was tabled but now it does seem time to send it on to the Commission.

Chair Trafford then asked for a roll call vote as to whether to approve the report and recommendation as to form and readiness to be sent to the Commission. The committee unanimously approved the report and recommendation.

**Adjournment:**

With no further business to come before the committee, the meeting adjourned at 1:02 p.m.

**Approval:**

The minutes of the January 14, 2016 meeting of the Coordinating Committee were approved at the April 14, 2016 meeting of the committee.

*/s/ Kathleen M. Trafford*

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Kathleen M. Trafford, Chair

*/s/ Jo Ann Davidson*

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Jo Ann Davidson, Vice-chair