

OCCMC Quarterly

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Meet the Ohio Constitutional Modernization Commission Co-Chairs

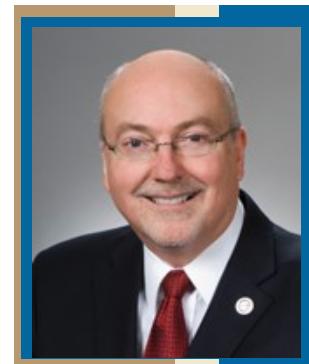


Senator Charleta Tavares and Representative Ron Amstutz serve as co-chairs of the Ohio Constitutional Modernization Commission. Senator **Charleta B. Tavares** was elected to serve as co-chair of OCCMC in January 2014. Tavares replaced former Representative Vernon Sykes, who served as co-chair from 2011 to 2014. In addition to her role as co-chair, **Tavares** serves on the Finance, Taxation, and Economic Development Committee; the Legislative Branch and Executive Branch Committee; and the Liaisons with Public Offices Committee. **Tavares** was re-elected and sworn in on January 5,

2015 as the senator for the 15th Senate district. She is the assistant democratic leader in the Ohio Senate. A committed public servant, **Tavares** has served as a state senator since 2011. Her district includes Bexley, and parts of Grandview Heights, as well as the historic neighborhoods of the city of Columbus. She currently serves as the ranking member on the Senate Ways and Means and the Health and Human Services Committees. In addition, she also serves as a member of the Senate Finance, Finance Subcommittee on Corrections, Joint Medicaid Oversight Committee, and the Joint Committee on Agency Rule Review.

Representative **Ron Amstutz** was voted co-chair of the OCCMC in April 2015. **Amstutz** replaced former Speaker William Batchelder who served as co-chair from the inception of the Commission in 2011 through the end of 2014 when he left the General Assembly. **Amstutz** serves Wayne County in Northeastern Ohio, a mix of rural agricultural and smaller industrial communities. He also serves as speaker pro tempore, second to Speaker Cliff Rosenberger. **Amstutz**

has extensive experience in the legislature, having served more than 35 years, including eight in the Ohio Senate, where his primary assignment was as chair of the Ways and Means and Economic Development Committee. In the House, some of his past leadership posts include chair of House Finance and Appropriations Committee and assistant majority whip and chair of the Joint Committee on Agency Rule Review. In addition to his role as co-chair for the Commission, **Amstutz** serves on the Bill of Rights and Voting Committee; Finance, Taxation, and Economic Development Committee; and the Liaisons with Public Offices Committee.



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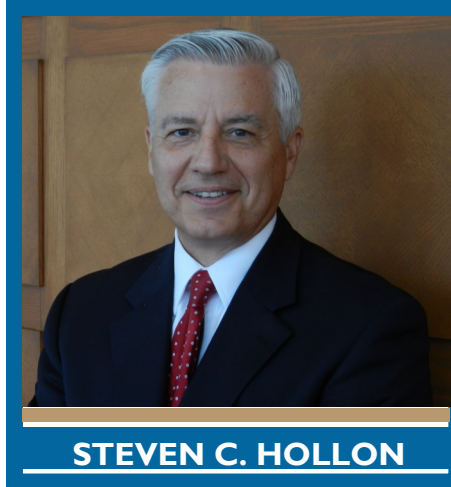


EXECUTIVE DIRECTOR'S NOTE

In 1802 Congress passed the Enabling Act, which allowed the people in the Ohio country to form a constitution and a state government. Within three months, Congress passed a bill that was signed by President Jefferson stating that Ohio “has become one of the United States of America.” The state was formed and the first constitution was formally accepted.

Every 20 years, Ohioans are given the opportunity to vote on whether Ohio will have a constitutional convention. Since 1802, Ohio has had three constitutional conventions - 1850-1851, 1873-1874, and 1912. Ohio voters have chosen not to hold a constitutional convention since the last one was held in 1912. Instead, Ohio has charged two Commissions to review and update Ohio's Constitution, the [Ohio Constitutional Revision Commission](#) created in 1969, and the [Ohio Constitutional Modernization Commission](#), created in 2011.

The [Ohio Constitutional Revision Commission](#) (OCRC) was created by the 108th General Assembly with the passage of House Bill 240. By the time the



Commission finished its work in 1977, voters had approved 15 of its proposed changes. In 2011, the [Ohio Constitutional Modernization Commission](#) (OCMC) was established by the 129th General Assembly with the passage of House Bill 188. OCMC, like OCRC, is charged with studying the Constitution of Ohio, promoting an exchange of experiences and suggestions respecting desired changes to the Ohio Constitution; considering problems pertaining to the amendment of the Ohio Constitution; and making recommendations from time to time to the General Assembly for the amendment of the Ohio Constitution. The OCMC must complete its work before July 1, 2021.

The OCMC is made up of 32 bipartisan members—20

public members and 12 legislative members. It is made up of six subject matter committees and four standing committees. The subject matter committees include the Bill of Rights and Voting Committee; Constitutional Revision and Updating Committee; Education, Public Institutions and Local Government Committee; Finance, Taxation, and Economic Development Committee; Judicial Branch and Administration of Justice Committee; and the Legislative Branch and Executive Branch Committee. Each subject matter committee has been assigned sections of the constitution to review. The committees of the Commission will discuss possible changes to constitutional provisions spanning from the Bill of Rights, to education, to term limits, to state finance, to the organizational structures of the executive, legislative, and judicial branches of government.

If you are interested in receiving information about or providing input to the OCMC, visit our website at ocmc.ohio.gov, call 614.644.2022 or email ocmc@ocmc.ohio.gov. Meetings are typically held on the second Thursday of the month.

Members Participate in 135th OSBA Annual Convention

Ohio Constitutional Modernization Commission (OCMC) members [Frederick A. Mills](#), [Chad Readler](#), and [Patrick Fischer](#) acted as panelists in a continuing legal education program at the Ohio State Bar Association Annual Convention. The program, held at Kalahari Resorts in Sandusky, was moderated by OCMC Executive Director [Steven C. Hollon](#).

Mills, chair of the Legislative Branch and Executive Branch Committee spoke to the work of the committee regarding redistricting, apportionment, and term limits. The committee is currently reviewing [Article II, Section 2](#) (Elections and Term of State Legislators) and Senate Joint Resolution I (Public Office Compensation Commission).

Readler, chair of the Education, Public Institutions, and Local Government Committee informed the audience on the work his committee has made regarding [Article VI, Section 2](#) of the Ohio Constitution dealing with the “thorough and efficient” clause regarding public education within the provision. In March the committee decided to recommend no changes be made to the provision. The committee

also recommended no changes be made to [Article VI, Section 1](#), relating to the General Assembly’s control over the disposition of property granted to the state for educational and religious purposes.

Fischer, vice chair of the Judicial Branch and Administration of Justice Committee, shared an update on the work of his Committee. The committee has submitted two reports and recommendations to the full Commission recommending that [Article IV, Sections 19](#) (Courts of Conciliation) and [22](#) (Supreme Court Commission) be repealed. He stated that the committee recommended repealing these sections because they are obsolete. Neither section has been used since the 1880s.

Hollon began the session by providing a review of the history of Ohio’s two constitutions, the state’s four constitutional conventions, the work of the Ohio Constitutional Revision Commission of the 1970s, and the structure of the current commission.

The Ohio State Bar Association (OSBA), founded in 1880, is a voluntary association

representing approximately 23,000 members of the bench and bar of Ohio, as well as nearly 40,000 legal assistants and law students. Through its activities and the activities of its related organizations, the OSBA serves both its members and the public by promoting the highest standards in the practice of law and administration of justice.



ROGER L. BECKETT



Roger L. Beckett is executive director of the Ashbrook Center at Ashland University, where he has worked for the past 15 years to develop programs for teachers and students across America about constitutional self-government.

Among other activities, Beckett was appointed to the Ohio Humanities Council by Governor Strickland in 2007 and was a part of the 179th

Airlift Wing Committee, a Mansfield, Ohio community committee that successfully saved the base from closing during the Pentagon's Base Realignment and Closing process in 2004.

He received his undergraduate degree from Ashland University and Master of Arts from Ohio State University.

As a member of the Ohio Constitutional Modernization Commission, Beckett is

the chair of the Public Education and Information Committee.

He also serves on the Constitutional Revision and Updating Committee and the Education, Public Institutions, and Local Government Committee.

REPRESENTATIVE KATHLEEN CLYDE



Representative Kathleen Clyde is in her third term in the Ohio House of Representatives. She represents the 75th Ohio House District, which covers central and southern Portage County. She serves as ranking member on the House Government

Accountability and Oversight Committee. She is also a member of the House Finance Committee and its Transportation subcommittee, the Public Utilities Committee, and the Ohio Ballot Board.

Clyde earned her bachelor's degree in English from Wesleyan University in Connecticut and her JD from Ohio State University Moritz College of Law, graduating in 2008 as a public service fellow with the dean's highest honor. While in law school, she was an editor of the law review, president of the Public Interest Law Foundation, and a student

researcher and analyst at OSU's Election Law Center. She also served as a law clerk for the Ohio Secretary of State and the Ohio Senate and earned a summer fellowship at the Brennan Center for Justice at New York University for the study of election law.

During the 2008 presidential election, she served as an election official with the Franklin County Board of Elections, overseeing the set-up and operation of the Franklin County early voting center. She then became deputy legal counsel to the speaker of the Ohio House, where she worked on legal

issues ranging from access to the courts to voting rights. She is a noted expert in election law and has spoken on election law issues at Ohio State, Capital University, Stanford, and Harvard law schools.

As a member of the Ohio Constitutional Modernization Commission, Clyde serves on the Bill of Rights and Voting Committee; the Finance, Taxation, and Economic Development Committee; and the Organization and Administration Committee.

JANET GILLIGAN ABARAY



Janet Gilligan Abaray is an attorney from Cincinnati. She graduated Phi Beta Kappa and summa cum laude from the University of Cincinnati McMicken

College of Arts and Sciences in 1979, with high departmental honors in English literature.

Abaray graduated Order of the Coif from the University of Cincinnati College of Law in 1982, where she also served as business manager of the law review. A member of the Ohio bar since 1982, she has focused her practice on complex civil litigation, with a particular emphasis on pharmaceutical mass tort. She has served as national lead or liaison counsel in numerous multi-district

litigations involving medical products, has been appointed lead counsel in class actions involving contract disputes, and has acted as trial counsel in major class action and pharmaceutical litigations.

Abaray has argued before the Ohio Supreme Court concerning the constitutionality of tort reform, and has litigated significant issues concerning employment law, federal preemption, admissibility of expert testimony, arbitration

clauses and class action certification. She practices in Cincinnati, where she is managing shareholder of the Ohio office of Burg Simpson Eldredge Hersh Jardine, P.C. As a member of the Ohio Constitutional Modernization Commission, Abaray is the chair of the Judicial Branch and Administration of Justice Committee. She also serves on the Constitutional Revision and Updating Committee and the Coordinating Committee.

SENATOR BILL COLEY



Senator Bill Coley is serving his first full term in the Ohio Senate, representing the majority of Butler County as the senator for the 4th Ohio Senate district. Prior to his appointment to the Senate, Coley was elected to four terms in the Ohio House of Representatives, where

his background in finance matters led him to be named chair of the House Financial Institutions, Housing and Urban Development Committee. In the Senate, he is the chair of the Senate Standing Committee on Government Oversight and Reform as well as the vice-chair of the Senate Finance Committee.

In addition to his legislative duties, Coley works as a commercial litigation attorney with the law firm of Strauss and Troy and is licensed to practice in Ohio, Kentucky and Indiana. An active member of his community, Coley is

involved in the Butler County Republican Party, St. John's Catholic Church, Sons of the American Legion, and the Boy Scouts of America. Coley's legislative efforts have garnered him a number of awards. He has been named a Watchdog of the Treasury by the United Conservatives of Ohio and received the Robert R. Cupp Legislative Award from the eTech Ohio Commission.

Coley received his bachelor's degree in finance from the University of Dayton and his law degree from the Cleveland-Marshall College of Law. A

licensed pilot, he and his wife Carolyn live in Liberty Township.

As a member of the Ohio Constitutional Modernization Commission, Coley serves on the Coordinating Committee; the Education, Public Institutions, and Local Government Committee; and the Legislative Branch and Executive Branch Committee.

Legislative Branch and Executive Branch Committee

The Legislative Branch and Executive Branch

Committee of the Ohio Constitutional Modernization Commission (OCMC) advanced two optional reports and recommendations for **Article II, Section 2** of the Ohio Constitution, referring to election and terms of state legislators.

Option one recommends **Article II, Section 2** be amended to add one term to the current limit imposed on state senators, and two terms to the current limit imposed on state representatives. The committee further recommends that **Article II, Section 2** be amended to allow legislators holding office at the time of the effective date of the amendment to continue to serve up to a total of 12 consecutive years.

Option two recommends that **Article II, Section 2** be amended to allow all

newly-elected state legislators to serve a total of twelve consecutive years, consisting of three four-year terms for senators and six two-year terms for representatives. The committee also recommends that this expansion of the current eight-year limit of consecutive terms of legislative service not apply to current members of the General Assembly, with the result that all members already in office at the time of the effective date of the amendment would be limited to eight years consecutive service.

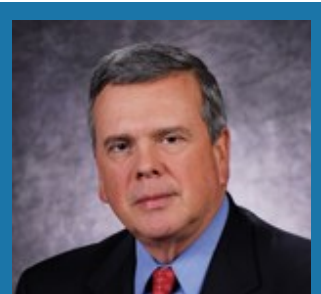
The committee voted to add a recommendation that the term limit proposal not be added to the ballot until 2016 or later.

Article II, Section 2 reads, “representatives shall be elected biennially by the electors of the respective House of Representatives districts; their term of office shall commence on the first day of January next thereafter and continue two years. Senators shall be elected by electors of

the respective state districts; their terms of office shall commence on the first day of January, 1969 shall be four years and all terms which commence on the first day of January, 1971 shall be four years. Thereafter, except for the filling of vacancies for unexpired terms, senators shall be elected to and hold office for terms of four years. No person shall hold the office of state senator for a period of longer than two successive terms of four years. Terms shall be considered in determining an individual’s eligibility to hold office. In determining the eligibility of an individual to hold office in accordance to this article, (A) time spent in an office in fulfillment of a term to which another person was first elected shall not be considered provided that a period of at least four years passed between time, if any, individual is elected or appointed to fulfill the unexpired term; and (B) a person who is elected to an office in a regularly scheduled general election and resigns prior to the completion of the term for which he or she was elected, shall be

considered to have served the full term in that office.”

In April the Committee voted 8-1 to pass the reports and recommendations on to the full Commission for review. Pursuant to the Commission’s Rules of Procedure and Conduct, reports and recommendation require two readings before a committee before they can be adopted. Committee adoption requires a majority of the members of the committee, while adoption by the full Commission requires the approval of 22 out of the 32 members of the Commission.



FRED MILLS

Chair

Education, Public Information, and Local Government Committee



CHAD READLER

Chair

The Education, Public Institutions, and Local Government Committee of the Ohio Constitutional Modernization Commission voted to retain a provision calling for a “thorough and efficient” system of common schools found in [Article VI, Section 2](#) of the Ohio Constitution. The language found in [Article VI, Section 2](#) was the focus of a groundbreaking Ohio Supreme Court case, *DeRolph v. State of Ohio*, which ruled that Ohio’s system for determining funding for public education was unconstitutional.

[Article VI, Section 2](#) reads, “the General Assembly shall make such provisions, by taxation, or otherwise, as, with income arising from the school trust fund, will secure a *thorough and efficient* system of common schools throughout the state; but no religious or other

“will secure a *thorough and efficient* system of common schools throughout the state”

sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.”

In addition to approving the retention of [Article VI, Section 2](#), the committee also approved a motion to retain [Article VI, Section 1](#), relating to the General Assembly’s control over the disposition of property granted to the state for educational and religious purposes.

The committee is currently working on a proposed report and recommendation that would suggest no changes be made for [Article VI, Sections 1 and 2](#).

Pursuant to the Commission’s Rules of Procedure and Conduct, before voting to approve a report and recommendation regarding existing sections of the Ohio Constitution, the proposed report and recommendation shall be placed on the Education, Public Institutions, and Local Government Committee’s written agenda for not less than two consecutive meetings, for the purpose of allowing discussion by committee members and to receive comment from the public.



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Ohio Constitutional
Modernization Commission



Stacia Rapp and Hailey Akah

MEET OUR SPRING SEMESTER INTERNS

Hailey Akah and Stacia Rapp assisted the Ohio Constitutional Modernization Commission as interns for the spring semester through the Legislation Clinic at the Moritz College of Law at Ohio State University.

The Legislation Clinic is an academic program that places second and third year law students in a variety of suitable professional settings in the Ohio legislature and related organizations in and around the Ohio Statehouse.

Akah graduated magna cum laude from Lawrence University where she received a Bachelor of Arts degree in Philosophy. She is scheduled to graduate in May 2016. Having completed her second year law student she serves as Staff Editor for the Ohio Journal of Dispute Resolution and Secretary of the Health Law Society. While working for the Commission, Akah provided research on Article II, Section 2 of the Ohio Constitution concerning the election and term of state legislators.

Rapp graduated magna cum laude from Ashland University. She is a Student Bar Association Representative for the Faculty Academic Affairs Committee and a Moritz Admissions Ambassador. While working with the Commission, Rapp designed the Commission's timeline graphic, which details the requirements for making constitutional amendments.

Professor Steven F. Huefner is the Director of Clinical Programs at the Moritz College of Law and the Legislation Clinic Director. He and Professor Terri L. Enns provided invaluable assistance to Akah, Rapp, and Commission staff throughout the spring semester. For more information regarding the Legislation Clinic, contact the Moritz College of Law, Ohio State University at 614.292.6821.