**OHIO CONSTITUTIONAL MODERNIZATION COMMISSION**

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# Constitutional Revision and Updating Committee

Dennis P. Mulvihill, Chair
Charles F. Kurfess, Vice-chair

## Part I

March 10, 2016
Ohio Statehouse
Room 018

**OCMC Constitutional Revision and Updating Committee**

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|---|---|
| Chair | Mr. Dennis Mulvihill |
| Vice-chair | Mr. Charles Kurfess |
| | Ms. Janet Abaray |
| | Mr. Roger Beckett |
| | Rep. Robert Cupp |
| | Se. Kris Jordan |
| | Dr. Larry Macon |
| | Mr. Chad Readler |
| | Sen. Tom Sawyer |
| | Rep. Emilia Sykes |
| | Mr. Mark Wagoner |

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**OHIO CONSTITUTIONAL MODERNIZATION COMMISSION**

**CONSTITUTIONAL REVISION AND UPDATING COMMITTEE**

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**THURSDAY, MAY 12, 2016**
**11:00 A.M.**
**OHIO STATEHOUSE ROOM 018**

**AGENDA**

I. Call to Order

II. Roll Call

III. Approval of Minutes

- Meeting of March 10, 2016

  *[Draft Minutes – attached]*

IV. Reports and Recommendations

- None scheduled

V. Presentations

- None scheduled

VI. Committee Discussion

- Article II, Sections 1b and 1g – Statutory Initiative

  The chair will lead a working session regarding draft language to amend the constitutional provision on the statutory initiative.

  *[Copy of draft of amended language, as prepared by Commission staff - attached]*

  *[Copy of draft of amended language, as prepared by the Legislative Service Commission and provided to the committee at previous meetings – attached]*

*[Memorandum by Steven H. Steinglass titled "Questions Concerning the Ohio Indirect Statutory Initiative," dated March 4, 2016 – attached]*

*[Memorandum by Steven H. Steinglass titled "The Ohio Indirect Statutory Initiative," dated September 1, 2015 – attached]*

VII. Next Steps

- The chair will lead discussion regarding the next steps the committee wishes to take in preparation for upcoming meetings.

  *[Planning Worksheet – attached]*

VIII. Old Business

IX. New Business

X. Public Comment

XI. Adjourn

**OHIO CONSTITUTIONAL MODERNIZATION COMMISSION**

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**MINUTES OF THE**
**CONSTITUTIONAL REVISION AND UPDATING COMMITTEE**

**FOR THE MEETING HELD**
**THURSDAY, MARCH 10, 2016**

**Call to Order:**

Chair Dennis Mulvihill called the meeting of the Constitutional Revision and Updating Committee to order at 11:07 a.m.

**Members Present:**

A quorum was present with Chair Mulvihill, Vice-chair Kurfess, and committee members Beckett, Cupp, Jordan, Sykes, and Wagoner in attendance.

**Approval of Minutes**:

The minutes of the January 14, 2016 meeting of the committee were approved.

**Discussion:**

Chair Mulvihill began the meeting by indicating that the committee would be continuing its discussion of methods for streamlining the statutory initiative process as described in Article II, Sections 1b and 1g. Chair Mulvihill thanked staff for the recent memorandum that provided an in-depth response to questions raised in the committee's January meeting.

Chair Mulvihill continued that, in January, the committee was discussing dispensing with the supplementary petition requirement. He said it became clear to him in reading what other states have done that only Ohio uses this particular supplemental petition procedure. He said, while other states have a supplemental petition procedure, in those states proponents have an option as to whether they want to use a direct or indirect statutory initiative process, and that only the indirect process has the supplemental petition requirement. Senior Policy Advisor Steven H. Steinglass confirmed this comment, indicating that in those states, typically, proponents of an initiated statute use the direct route and so do not use a supplemental petition.

Chair Mulvihill asked the committee whether it would agree that the supplemental petition is an unnecessary burden on the statutory initiative process.

Committee member Mark Wagoner said he believes the supplemental petition process is not necessary. He said having a five percent signature requirement initially would cover it, and that the supplemental petition does not add anything.

Committee member Roger Beckett said the advantage the supplemental petition gives is that it serves as the trigger as to whether the initiated statute would go on the ballot. He agreed the supplemental petition is not necessary, but that the committee needs to consider addressing what happens if the General Assembly deals with the issue and the proponents no longer want the initiative to go on the ballot. He suggested there needs to be a method for allowing the proponents to withdraw their petition.

Mr. Steinglass noted that, among the six states that have the indirect initiative, some give the legislature an opportunity to review the proposed statute and, if it is not approved in the format proposed, it automatically goes to the ballot. He said the issue was discussed, but not in great depth because he could not find a lot on it for the memo. Mr. Steinglass noted a suggestion that the contents of the proposed statute could be written to decide whether it goes on the ballot. He observed that automatically going to the ballot raises a problem if action taken by the General Assembly is sufficient.

Mr. Steinglass continued that, in 1912, convention delegates rejected the idea that a proponent committee, acting on its own, should decide whether to pursue the statutory initiative after action by the General Assembly. He said it was a democratic view that the people should decide, and so delegates came up with the idea of requiring a supplemental petition. He observed the problem is that it has gotten squeezed from both ends in terms of time to do a supplemental petition. He said the supplemental petition has outlived its usefulness and makes the statutory initiative far less attractive. Mr. Steinglass said the question is what acts as the trigger if there is no supplemental petition requirement. He observed that the revised code procedure indicates a group pushing something on the ballot can keep it off the ballot by notifying the secretary of state in time to take it off the ballot.

Chair Mulvihill asked Mr. Steinglass whether he interprets the Legislative Service Commission (LSC) draft version of a revised Section 1b(B) to require the proposed law to go on the ballot. [1] Mr. Steinglass agreed that the draft version sends the proposed statute straight to the voters.

Asking for clarification, Senator Kris Jordan wondered whether the draft version only deals with the statutory initiative, and Mr. Steinglass confirmed. Sen. Jordan then asked whether other states' statutory initiative procedures make it less likely that people will use the constitutional initiative route. Mr. Steinglass answered that, looking at the states having both the constitutional and the statutory initiative, in 80 percent of the instances in which people seek to initiate a proposal in Ohio they go the constitutional route. He said that is significantly higher than the average around the country, which is 45 percent. He continued, among states that have both options open, Ohio is more likely to see a constitutional amendment as opposed to an initiated statute. By contrast, he said, in Illinois 100 percent of their initiated activity is constitutional, but Illinois has had only one initiated amendment.

[1] A copy of the LSC Draft referenced in these Minutes is provided as Attachment A.

Sen. Jordan asked whether, if a proposal goes through this process and changes state law, how long the legislature has to wait if it wants to get rid of it. Mr. Steinglass explained in Ohio there is no safe harbor or anti-tampering provision, so that the General Assembly could the next day take action to repeal it or change it. He said, although that has never happened, there have only been three instances where the initiated statute has been taken to the voters. He noted the argument was made that the General Assembly would not reject the work product of the people in a cavalier manner.

Mr. Wagoner said the committee is trying to encourage the initiated statute route; he views it as a package deal to also address making amending the constitution a more deliberative process.

Chair Mulvihill directed the committee to the following language from the draft version, at Section 1b(B):

> If said proposed law shall be passed by the general assembly, either as petitioned for or in an amended form, it shall be subject to the referendum.

He asked whether this language is a contradiction.

Mr. Steinglass noted that the sentence deals with the possibility the statute has passed in amended form, noting it is also possible for proponents of the amended form to take their original proposal to the voters. He said if a group does not like the statute as passed but amended, seeking the supplementary petition under current law has the same effect as a referendum in the sense that it suspends the effective date of the new statute. He said the missing trigger is the big issue.

Chair Mulvihill asked committee members what should be the triggering event.

Mr. Beckett directed the committee to Mr. Steinglass's memo at page ten on how other states handle this.

Mr. Steinglass said Michigan has an indirect initiative procedure, but does not require additional signatures in order for the initiative to go right to the voters. He said he is not sure that any states have the proponents operating the trigger.

Mr. Beckett asked whether, if it is likely that the proposed statute will be sent directly to the ballot, in practice would the legislature draft an alternative to that statute if they agree that the issue needs to be addressed. He wondered if, in any case, in practice there are competing issues on the ballot.

Mr. Steinglass said he asked that question but could not find evidence of that. He said Nevada and Michigan explicitly provide that the issue goes directly to the voters, and both have provisions in which the legislature can propose alternatives on the ballot.

Chair Mulvihill asked, in states with the indirect initiative, how frequently their legislatures pass those statutes in amended form.

Mr. Steinglass said there is no definitive information, but he has a sense that the indirect method is not used that often when people have a choice.

Chair Mulvihill said he would like to know because the committee may have to foresee circumstances that do not currently exist. He wonders if the committee is holding up the process by trying to address a nonexistent problem, and that he wants to assuage concerns about whether there is a problem in states that have the indirect statutory initiative.

Mr. Steinglass said if the legislature believes that a proposed statute heading toward the ballot should not be going to the ballot, there should be a barrier. He said the committee could draft language giving the General Assembly a role to play.

Mr. Beckett commented that Michigan, in terms of the indirect, seems to be the outlier, and so does Nevada. Their process is indirect, but no additional signatures are required. He wondered how those states address this issue.

Mr. Steinglass said he has not seen anything written about that circumstance. He said, when he checked the Michigan Constitution, it did not provide qualifying language saying "shall go to the ballot but * * *," so to fully answer the question requires looking at the Michigan statutes. He said he does not have the statistics for how many times the Michigan statutes have been amended through the initiative process. He said Ohio does not record when a statute proposed by initiative is adopted by the General Assembly. He added, there are "a couple of instances where we know, but it is random. In those instances it never goes to the ballot because the legislation proposed was accepted by the General Assembly."

Mr. Beckett said he would propose that the committee essentially have a direct initiative but include a simple "exit ramp" for the proponents who submitted the petition, allowing them to withdraw if the legislature addresses their issue. He said the way this process is likely to unfold is that the General Assembly takes up the issue, wants to refine it, and if petitioners are satisfied, then they can withdraw it. He said that seems reasonable to him, but practically speaking the impression is that there is no record of how many times that has happened.

Mr. Steinglass directed the committee to Ohio Revised Code 3519.08(A), suggesting that the statute provides the "exit ramp." He said the committee could to create a section in the constitution that would perform this function, but would have to be careful about that.

Representative Bob Cupp commented that this suggestion would essentially require constitutionalizing the statutory initiative proponent committee that, right now, only exists in statute.

Mr. Steinglass agreed with Rep. Cupp's observation. Rep. Cupp continued that, instead of entirely eliminating the supplemental petition, the provision could have a smaller number of signatures be the trigger, but it would be necessary to limit who could do that. He said he is not sure that is a solution.

Mr. Steinglass commented that Massachusetts only requires .5 percent on a supplemental petition, and so makes the requirement as unburdensome as possible.

Chair Mulvihill asked whether the committee is generally satisfied with the proposed five percent on the initial petition.

Mr. Beckett noted it is among the lower of the requirements out there. Chair Mulvihill asked if Mr. Beckett thought it should be higher, and Mr. Beckett said he did not think it mattered a lot.

Rep. Cupp said in 1912, when these thresholds were put in place, it would have been more difficult to collect these signatures due to travel constraints, and no ability to have electronic transmittal. He said, at that time, the percentage would have been a higher hurdle than it is now. He said it would be an interesting question whether this is actually too low a threshold. He noted although Ohio does not want to shut out citizens from being able to use this process, it also is important to avoid the result occurring in states where there is a long list of statutory initiatives every election.

Mr. Steinglass said it is important to put the 1912 convention in context. He remarked that he is struck by how contentious the signature-gathering step has become, with many challenges in the courts. He said the constitution refers to signatures of electors, rather than to qualified electors, or registered voters. He said in 1912 Ohio did not even have registered voters as registration was not required. So, he said, in a sense a big part of the fight over signatures includes questions about whether someone is a qualified elector, or registered voter. He concluded that is one instance in which the process has become more complicated.

Mr. Wagoner said, with regard to percentage as threshold, it depends on whether there is a direct or indirect process. He said, in indirect, there is at least a quality control process, and the legislature will take a look at it. He said, "if we go direct, the signature limit should be higher."

Chair Mulvihill said he understands the direct route avoids the General Assembly. He noted the indirect route gives the General Assembly the opportunity to get involved. He wondered how different that is from now, where if the General Assembly does not act it goes to the ballot.

Mr. Steinglass said there is no precedent for what happens when competing issues go to the ballot. He said he sees mentioning this in a constitutional provision as creating a failsafe by giving the General Assembly a formal role and giving petitioners an easier way to go to the ballot if they are not satisfied. He said it is more likely the General Assembly will be supportive of a role that includes them.

Chair Mulvihill asked whether, assuming the statutory initiative process continues to be indirect, the General Assembly should have four months to consider whether to adopt the proposed statute.

Rep. Cupp said the General Assembly can act fairly quickly, wondering if four months could become three months. He said the petition would have to be filed before the end of the year preceding the General Assembly and that January is not an active month.

Mr. Steinglass said Michigan and Nevada give their legislatures 40 days to act on a proposal, additionally requiring that statutes proposed by initiative take precedence in time over legislation, other than budget bills.

Chair Mulvihill asked whether the proponent committee should be constitutionalized, adding there needs to be a procedure addressing a situation in which the General Assembly passes an amended version of the proposed statute.

Mr. Steinglass asked whether Chair Mulvihill was describing a situation in which the General Assembly has passed an alternative version and the petitioners have to make a decision as to whether the alternative is acceptable or whether to pursue placing their version on the ballot.

Chair Mulvihill added "or it automatically goes to the ballot without allowing the committee to make a decision." He continued that if the committee is going to work from the draft of the indirect initiative as provided by LSC, the failure of the General Assembly to act means the proposed statute automatically goes to the voters. He said the question is also what should happen if the General Assembly does act, but the statute is not identical.

Mr. Steinglass said, following the procedure outlined in the Revised Code, the petitioners could withdraw without constitutionalizing the proponent committee. Chair Mulvihill wondered if there is a timing element in the Revised Code section. Mr. Steinglass said the time limit is that 70 days before the election petitioners could pull the issue from the ballot.

Chair Mulvihill wondered if the provision could say "as prescribed by law." Mr. Steinglass said LSC may want to do some tinkering. He said this is a drafting issue; we need guidance from professional drafters.

Rep. Cupp asked whether timing matters, and whether placing the proposed statute on the ballot will cost money. Mr. Steinglass said proposed statutes only go on a general election ballot.

Mr. Wagoner said whenever anything goes to the ballot, he would have a problem if there is not a hard brake. He said if there is to be some sort of brake mechanism, he would like to see it stop the process. This would allow the proponent committee to decide whether to proceed to the ballot, because no one knows better than they do what was intended. He said his concern is creating an issue that has to be litigated in the courts, which would invariably happen. He would like the proponent committee itself to decide if what the General Assembly has enacted accomplishes its goals.

Mr. Beckett asked whether, if the proponent committee is not constitutionalized, language could be proposed that would describe who submits the arguments or explanations. He said the statute gives the petitioners the ability to name the individuals who will draft that argument or explanation, wondering if they would be the same individuals who could pull the proposed statute from the ballot.

Mr. Wagoner asked whether there are five members of a proponent committee. Mr. Steinglass said that is the number he sees, but he is not sure. Mr. Beckett directed the committee to Section 1g in the LSC draft.

Chair Mulvihill noted that R.C. 3519.02 indicates that the proponent committee is created to represent petitioners in all matters.

With regard to determining how to revise the current draft, Chair Mulvihill asked Rep. Cupp to approach LSC to ask for changes to the proposed revision. He said it would be important to have LSC reference the committee that has already been created under R.C. 3519.02, and has the ability to withdraw the petition under R.C. 3519.08, and to have that as the braking procedure. He said the plan is to keep five percent for now, and decide if that number should change later.

Chair Mulvihill identified two other issues. Regarding the concept of a safe harbor provision, he said only 10 of 21 states have safe harbors, according to Mr. Steinglass's memo. He said it also would be important to consider the issue of electors versus registered voters, wondering if it would save the secretary of state and attorney general trouble by redefining who can sign.

Mr. Steinglass added it is important to ask whether the provision could be modified to include the use of modern technology in the area of initiatives. He said the current system seems complex when it does not need to be. He said maybe there are other issues related to the whole process.

Chair Mulvihill said he would be in favor of allowing online and written petitions, and that it might be possible to have the secretary of state's office come to address that.

Mr. Steinglass said he ran across provisions in state constitutions that address issues of using technology, and could take a closer look. Chair Mulvihill agreed that should be done.

Mr. Steinglass asked whether it makes sense to take a deeper look at the six states that have the supplemental petition and competing proposals. Chair Mulvihill answered that the relevant sections of the Revised Code address that problem, so that task is not necessary. Mr. Steinglass said he will take a deeper look at the six states that have the indirect.

Chair Mulvihill said he does not want to make too many decisions before discussing the safe harbor concept, wondering if committee members had any thoughts on this.

Rep. Cupp said he is confused by the provision stating that the people who prepare the arguments may be named in the petition, but also saying the General Assembly shall name them. Mr. Steinglass said there is a fallback on this, they are a little different, and he will double check.

Mr. Beckett said, when talking about modernization related to publishing, he would be open to eliminating language about publication. He said it is unlikely that someone will sneak something onto the ballot without people knowing about it, so that is a non-issue. He said his other concern is that it strikes him how detailed and complex these sections are. He understands it is good to include details, but his opinion is that a number of the details should be prescribed by law and not by constitution. He wondered if the committee should be looking at this language in a broader sense and trying to make it more understandable.

Chair Mulvihill agreed with that point, noting Section 1g as an example. He said first he would like to get another draft and see what that looks like. The next draft would get rid of the supplemental petition, include an "exit ramp," provide the number of signatures, and a safe harbor. He said then the committee can get into easier decisions regarding publication requirements.

Mr. Steinglass observed it would have been an anathema in the 1912 Constitutional Convention to avoid putting in lots of details, and that delegates drafted self-executing provisions because they were highly suspicious of the General Assembly. He continued that past efforts to clean up and make these sections more readable have rarely gone beyond adding subsections.

Chair Mulvihill said the safe harbor is three years in the current draft, and that the committee will continue to discuss that concept next time.

Vice-chair Kurfess asked whether there has been discussion regarding paragraph D, specifically whether there should be a change to the language indicating that if there are conflicting proposed laws the one with the most votes prevails. He observed that it looks as if the coming election might involve there being a proposed statute on the ballot, and a proposed constitutional amendment on the ballot dealing with the same subject but obviously conflicting. He wondered what would happen if they both pass.

Chair Mulvihill commented that the same thing happened a few years ago in relation to the smoking issue, but in the end, because of the final vote, there was no problem.

Mr. Steinglass added it might also help to see Issues 2 and 3 on the November 2015 ballot.

Chair Mulvihill thanked Mr. Kurfess for his comment, noting the issue is something to address. Mr. Steinglass noted that is a common provision that other states have.

**Adjournment:**

With no further business to come before the committee, the meeting adjourned at 12:21 p.m.

**Approval:**

The minutes of the March 10, 2016 meeting of the Constitutional Revision and Updating Committee were approved at the May 12, 2016 meeting of the committee.

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Dennis P. Mulvihill, Chair

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Charles F. Kurfess, Vice-chair

**Lr_131_0172-1**

**131st General Assembly**
**Regular Session**
**2015-2016**

**. J. R. No.**

# A JOINT RESOLUTION

Proposing to amend Sections 1b and 1g of Article II of the Constitution of the State of Ohio to modify the requirements to propose a statute by initiative petition.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 8, 2016, a proposal to amend Sections 1b and 1g of Article II of the Constitution of the State of Ohio to read as follows:

ARTICLE II

**Section 1b.** ~~When at~~ (A) At any time, not less than ten days ~~prior to~~ before the commencement of any session of the general assembly, ~~there shall have been filed~~ the electors may file with the secretary of state a petition signed by ~~three~~ five per centum of the electors ~~and verified as herein provided~~, proposing a law, the full text of which shall have been set forth in such petition~~, the~~. All such initiative petitions, last above described, shall have printed across the top thereof,

**ATTACHMENT A**

in case of proposed laws: "Law Proposed by Initiative Petition First to be Submitted to the General Assembly."

(B) The secretary of state shall verify the petition as provided in Section 1g of this article and shall transmit the same to the general assembly as soon as it convenes. If said proposed law shall be passed by the general assembly, either as petitioned for or in an amended form, it shall be subject to the referendum. If it shall not be passed, or if it shall be passed in an amended form, or if no action shall be taken thereon within four months from the time it is received by the general assembly, it shall be submitted by the secretary of state to the electors for their approval or rejection~~, if such submission shall be demanded by supplementary petition verified as herein provided and signed by not less than three per centum of the electors in addition to those signing the original petition, which supplementary petition must be signed and filed with the secretary of state within ninety days after the proposed law shall have been rejected by the general assembly or after the expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the general assembly shall have been filed by the governor in the office of the secretary of state~~. The proposed law shall be submitted at the next regular or general election occurring subsequent to one hundred twenty-five days after the ~~supplementary petition is filed in the form demanded by such supplementary petition, which form shall be either as first petitioned for or with any amendment or amendments which may have been incorporated therein by either branch or by both branches, of~~ proposed law shall have been rejected by the general assembly or after the expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the general assembly shall have

been filed by the governor in the office of the secretary of state. Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors.

(C) If a proposed law so submitted is approved by a majority of the electors voting thereon, it shall be the law and shall go into effect as herein provided in lieu of any amended form of said law which may have been passed by the general assembly, and such amended law passed by the general assembly shall not go into effect until and unless the law proposed by ~~supplementary~~ the petition shall have been rejected by the electors. ~~All such initiative petitions, last above described, shall have printed across the top thereof, in case of proposed laws: "Law Proposed by Initiative Petition First to be Submitted to the General Assembly." Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors.~~ Any proposed law or amendment to the constitution submitted to the electors as provided in 1a and 1b, if approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which it was approved and shall be published by the secretary of state.

(D) If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law, or in the case of amendments to the constitution shall be the amendment to the constitution.

(E) No law proposed by initiative petition and approved by the electors shall be subject to the veto of the governor. For a period of three years after a law proposed by initiative petition is approved by the voters, the general assembly shall not amend or repeal that law except by a vote of two-thirds of

the members elected to each branch of the general assembly.

**Section 1g.** Any initiative~~, supplementary,~~ or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative~~, supplementary,~~ or referendum petition must be an elector of the state and shall place on such petition after ~~his~~ the signer's name the date of signing and ~~his~~ the signer's place of residence. A signer residing outside of a municipality shall state the county and the rural route number, post office address, or township of his residence. A resident of a municipality shall state the street and number, if any, of ~~his~~ the signer's residence and the name of the municipality or post office address. The names of all signers to such petitions shall be written in ink, each signer for ~~himself~~ the signer's self. To each part of such petition shall be attached the statement of the circulator, as may be required by law, that ~~he~~ the circulator witnessed the affixing of every signature. The secretary of state shall determine the sufficiency of the signatures not later than one hundred five days before the election.

The Ohio supreme court shall have original, exclusive jurisdiction over all challenges made to petitions and signatures upon such petitions under this section. Any challenge to a petition or signature on a petition shall be filed not later than ninety-five days before the day of the election. The court shall hear and rule on any challenges made to petitions and signatures not later than eighty-five days before the election. If no ruling determining the petition or signatures to be insufficient is issued at least eighty-five days before the

election, the petition and signatures upon such petitions shall be presumed to be in all respects sufficient.

If the petitions or signatures are determined to be insufficient, ten additional days shall be allowed for the filing of additional signatures to such petition. If additional signatures are filed, the secretary of state shall determine the sufficiency of those additional signatures not later than sixty-five days before the election. Any challenge to the additional signatures shall be filed not later than fifty-five days before the day of the election. The court shall hear and rule on any challenges made to the additional signatures not later than forty-five days before the election. If no ruling determining the additional signatures to be insufficient is issued at least forty-five days before the election, the petition and signatures shall be presumed to be in all respects sufficient.

No law or amendment to the constitution submitted to the electors by initiative ~~and supplementary~~ petition and receiving an affirmative majority of the votes cast thereon, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency. Upon all initiative~~, supplementary,~~ and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state, petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county. A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the

argument or explanation, or both, against any law, section, or 145
item, submitted to the electors by referendum petition, may be 146
named in such petition and the persons who prepare the argument 147
or explanation, or both, for any proposed law or proposed 148
amendment to the constitution may be named in the petition 149
proposing the same. The person or persons who prepare the 150
argument or explanation, or both, for the law, section, or item, 151
submitted to the electors by referendum petition, or against any 152
proposed law submitted by ~~supplementary~~ initiative petition, 153
shall be named by the general assembly, if in session, and if 154
not in session then by the governor. The law, or proposed law, 155
or proposed amendment to the constitution, together with the 156
arguments and explanations, not exceeding a total of three 157
hundred words for each, and also the arguments and explanations, 158
not exceeding a total of three hundred words against each, shall 159
be published once a week for three consecutive weeks preceding 160
the election, in at least one newspaper of general circulation 161
in each county of the state, where a newspaper is published. The 162
secretary of state shall cause to be placed upon the ballots, 163
the ballot language for any such law, or proposed law, or 164
proposed amendment to the constitution, to be submitted. The 165
ballot language shall be prescribed by the Ohio ballot board in 166
the same manner, and subject to the same terms and conditions, 167
as apply to issues submitted by the general assembly pursuant to 168
Section 1 of Article XVI of this constitution. The ballot 169
language shall be so prescribed and the secretary of state shall 170
cause the ballots so to be printed as to permit an affirmative 171
or negative vote upon each law, section of law, or item in a law 172
appropriating money, or proposed law, or proposed amendment to 173
the constitution. The style of all laws submitted by initiative 174
~~and supplementary~~ petition shall be: "Be it Enacted by the 175
People of the State of Ohio," and of all constitutional 176

amendments: "Be it Resolved by the People of the State of Ohio." The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor. The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved.

EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, Sections 1b and 1g of Article II as amended by this proposal take effect immediately and existing Sections 1b and 1g of Article II of the Constitution of the State of Ohio are repealed on that effective date.

SCHEDULE

The amendments to Section 1g of Article II of the Ohio Constitution in part substitute gender neutral for gender specific language. These gender neutralizing amendments are not intended to make a substantive change in the Ohio Constitution. The gender neutral language is to be construed as a restatement of, and substituted in a continuing way for, the corresponding gender specific language existing before adoption of the gender neutralizing amendments.

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# Constitutional Revision and Updating Committee

**Planning Worksheet**
**(Through April 2016 Meetings)**

## Article II – Legislative (Select Provisions)

| Sec. 1 – In whom power vested (1851, am. 1912, 1918, 1953) | | | | | | | |
|---|---|---|---|---|---|---|---|
| Draft Status | Committee 1st Pres. | Committee 2nd Pres. | Committee Approval | CC Approval | OCMC 1st Pres. | OCMC 2nd Pres. | OCMC Approved |
| | | | | | | | |

| Sec. 1a – Initiative and referendum to amend constitution (1912, am. 2008) | | | | | | | |
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| Draft Status | Committee 1st Pres. | Committee 2nd Pres. | Committee Approval | CC Approval | OCMC 1st Pres. | OCMC 2nd Pres. | OCMC Approved |
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| Sec. 1b – Initiative and referendum to enact laws (1912, am. 2008) | | | | | | | |
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| Draft Status | Committee 1st Pres. | Committee 2nd Pres. | Committee Approval | CC Approval | OCMC 1st Pres. | OCMC 2nd Pres. | OCMC Approved |
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| Sec. 1c – Referendum to challenge laws enacted by General Assembly (1912, am 2008) | | | | | | | |
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| Draft Status | Committee 1st Pres. | Committee 2nd Pres. | Committee Approval | CC Approval | OCMC 1st Pres. | OCMC 2nd Pres. | OCMC Approved |
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| Sec. 1d – Emergency laws; not subject to referendum (1912) | | | | | | | |
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| Draft Status | Committee 1st Pres. | Committee 2nd Pres. | Committee Approval | CC Approval | OCMC 1st Pres. | OCMC 2nd Pres. | OCMC Approved |
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| Sec. 1e – Powers; limitation of use (1912) | | | | | | | |
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| Draft Status | Committee 1st Pres. | Committee 2nd Pres. | Committee Approval | CC Approval | OCMC 1st Pres. | OCMC 2nd Pres. | OCMC Approved |
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| Sec. 1f – Powers of municipalities (1912) | | | | | | | |
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| Draft Status | Committee 1st Pres. | Committee 2nd Pres. | Committee Approval | CC Approval | OCMC 1st Pres. | OCMC 2nd Pres. | OCMC Approved |
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| Sec. 1g – Petition requirements and preparation; submission; ballot language; Ohio ballot board (1912, am. 1971, 1978, 2008) | | | | | | | |
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| Draft Status | Committee 1st Pres. | Committee 2nd Pres. | Committee Approval | CC Approval | OCMC 1st Pres. | OCMC 2nd Pres. | OCMC Approved |
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## Article XVI - Amendments

| Sec. 1 – Constitutional amendment proposed by joint resolution of General Assembly; procedure (1851, am. 1912, 1974) | | | | | | | |
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| Draft Status | Committee 1st Pres. | Committee 2nd Pres. | Committee Approval | CC Approval | OCMC 1st Pres. | OCMC 2nd Pres. | OCMC Approved |
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| Sec. 2 – Constitutional amendment proposed by convention; procedure (1851, am. 1912) | | | | | | | |
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| Draft Status | Committee 1st Pres. | Committee 2nd Pres. | Committee Approval | CC Approval | OCMC 1st Pres. | OCMC 2nd Pres. | OCMC Approved |
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| Sec. 3 – Question of constitutional convention to be submitted periodically (1851, am. 1912) | | | | | | | |
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| Draft Status | Committee 1st Pres. | Committee 2nd Pres. | Committee Approval | CC Approval | OCMC 1st Pres. | OCMC 2nd Pres. | OCMC Approved |
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# OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

## 2016 Meeting Dates

June 9

July 14

August 11

September 8

October 13

November 10

December 8