



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

2015

ANNUAL REPORT

Issued December 10, 2015

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I. INTRODUCTION

This 2015 Annual Report (“Report”) of the Ohio Constitutional Modernization Commission (“Commission”) is issued as a supplement to the even-numbered-year biennial reports required by R.C. 103.66. Previously, two biennial reports on the work of the Commission were issued in December 2012 and December 2014.

The Commission was established in 2011 by enactment of Am. House Bill 188 by the Ohio General Assembly.

Under R.C. 103.61, the Commission is charged with:

- Studying the Ohio Constitution;
- Promoting an exchange of experiences and suggestions respecting desired changes in the constitution;
- Considering the problems pertaining to the amendment of the constitution;
- Making recommendations from time to time to the General Assembly for the amendment of the constitution.

Under Rule 10.3 of the Rules of Procedure and Conduct, a Commission recommendation to retain an existing section of the Ohio Constitution, without change, requires the affirmative vote of 17 Commission members. A Commission recommendation to amend an existing section or adopt a new section requires the affirmative vote of 22 Commission members.

Under Amended Substitute House Bill 64, consisting of the Main Operating Budget for Fiscal Years 2016-2017, with an effective date of July 1, 2015, the Commission shall complete its work on or before January 1, 2018 and shall cease to exist at that time.

The statutory language governing the Commission is available here:
<http://ocmc.ohio.gov/ocmc/about>.

II. MEMBERSHIP

Under R.C. 103.63 there are to be 32 members of the Commission. Twelve members of the Commission are to be appointed from the General Assembly, with three members appointed by the president of the Senate, three members appointed by the minority leader of the Senate, three members appointed by the speaker of the House of Representatives, and three members appointed by the minority leader of the House of Representatives.

In early 2015, the Commission welcomed three new legislative members to its rolls. Rep. Robert R. Cupp, Rep. Nathan H. Manning, and Rep. Emilia Strong Sykes were selected by their legislative caucuses to serve on the Commission. They were selected to replace House Speaker William G. Batchelder, Rep. Matt Huffman, and Rep. Vernon Sykes, who left the General Assembly at the end of 2014 due to term limitations. In November, Rep. Robert McColley was named to replace Rep. Manning on the Commission.

R.C. 103.63 requires that, at the beginning of each even numbered year, the twelve members shall meet, elect a co-chair from each house of the General Assembly, and appoint 20 members who are not members of the General Assembly. Due to the departure of Speaker Batchelder at the end of 2014, the members of the General Assembly elected Speaker Pro Tempore Ron Amstutz to serve as one of the Commission's co-chairs. Sen. Charleta B. Tavares continued her service as the other co-chair.

The following individuals served on the Commission during 2015:

Janet Gilligan Abaray	Rep. Nathan H. Manning
Rep. Ron Amstutz	Rep. Robert McColley
Herb Asher	Frederick E. Mills
Roger L. Beckett	Dennis P. Mulvihill
Karla L. Bell	Sen. Larry Obhof
Paula Brooks	Sen. Bob Peterson
Rep. Kathleen Clyde	Chad A. Readler
Douglas R. Cole	Richard B. Saphire
Sen. Bill Coley	Sen. Tom Sawyer
Rep. Robert R. Cupp	Sen. Michael Skindell
Rep. Michael F. Curtin	Rep. Emilia Strong Sykes
Jo Ann Davidson	Bob Taft
Patrick F. Fischer	Pierrette Talley
Edward L. Gilbert	Sen. Charleta B. Tavares
Jeff Jacobson	Kathleen M. Trafford
Charles F. Kurfess	Mark Wagoner
Larry L. Macon	

III. STAFF

The summer of 2015 concluded the first full year that Executive Director Steven C. Hollon, Counsel to the Commission Shari L. O'Neill, Communications Director Shaunte S. Russell, and Administrative Assistant Jennie Long, assisted the Commission in its work. In addition, the Commission continued to rely on the guidance of Steven H. Steinglass, dean emeritus and professor emeritus at the Cleveland-Marshall College of Law, who served as the senior policy advisor to the Commission.

The Commission also received assistance in 2015 from Frank Strigari, legal counsel for the Senate Majority Caucus, Bethany E. Sanders, deputy legal counsel and policy advisor for the Senate Minority Caucus, and Sarah A. Cherry, legal counsel for the House Minority Caucus. In addition, the Commission was assisted by legislative aides during committee meetings including Jenna Beadle, Antwan Booker, Rachael Carl, James Carmean, Nick Derksen, Maria Haberman, Stephanie Megas, Brianna Miller, Jenna Saponaro, Ali Simon, Chris Smith, and Sheila Willamowski. The Commission also benefited from legal research from interns Hailey Akah, Stacia Rapp, and Elizabeth Erin Oehler from the Legislation Clinic at the Ohio State University Moritz College of Law, as well as Moritz College of Law summer interns Alex Benson, Bryan Becker, and Joyce Gray.

IV. AMENDMENTS TO RULES OF PROCEDURE AND CONDUCT

After formally adopting Rules of Procedure and Conduct at its meeting on September 11, 2014, the Organization and Administration Committee determined on September 10, 2015 that the Commission could benefit from some slight revisions to the procedure for approving reports and recommendations. Specifically, the committee recommended that, in the instance where no change to a constitutional provision is being recommended by a committee, a vote could be taken in the committee on whether to issue a report and recommendation after only one reading. The Commission adopted this recommendation, further voting that, where an additional reading might be necessary, the reading need not occur at the next consecutive meeting, but could take place at a subsequent meeting, whenever that might take place.

A complete copy of the amended Rules is available at:

<http://ocmc.ohio.gov/ocmc/docs/OCMCRulesofProcedureandConduct.pdf>.

V. SUBJECT MATTER COMMITTEES

Following the structure adopted by the Commission in the last biennium, and following the Rules of Procedure and Conduct adopted by the Commission in September 2014, the Commission uses six subject matter committees for the purpose of completing its work. The six subject matter committees have been divided into two groups which are informally known as the gray committees and the green committees.

The gray committees are the Education, Public Institutions, and Local Government Committee; the Finance, Taxation, and Economic Development Committee; and the Judicial Branch and Administration of Justice Committee. The green committees are the Bill of Rights and Voting Committee; the Constitutional Revision and Updating Committee; and the Legislative Branch and Executive Branch Committee.

Education, Public Institutions, and Local Government Committee

Charge

The Education, Public Institutions, and Local Government Committee is charged generally with reviewing Article VI (Education), Article VII (Public Institutions), Article X (County and Township Organization), Article XV (Miscellaneous), and Article XVIII (Municipal Corporations), and in particular with topics related to school funding, home rule, and adjoining regionalization and economic development.

Committee Members

Chad A. Readler chaired the committee in 2015, with Edward L. Gilbert serving as vice-chair.

Committee members who served at various times during the year included Roger L. Beckett, Paula Brooks, Rep. Kathleen Clyde, Sen. Bill Coley, Rep. Robert R. Cupp, Rep. Michael F. Curtin, Larry L. Macon, Sen. Tom Sawyer, Bob Taft, and Pierrette Talley.

Topics Reviewed

In 2015, the committee concluded its consideration of Article VI, Section 2, relating to the requirement that the General Assembly “secure a thorough and efficient system of common schools throughout the state.” Three speakers appeared before the committee to discuss this provision. In January, the committee heard from Stephanie Morales, a member of the Cleveland Municipal School District, and Dr. Renee Middleton, dean of the Patton College of Education and Human Services at Ohio University, who described their experiences and views relating to the maintenance of a thorough and efficient public school system. Then, in March, Darold Johnson, legislative director for the Ohio Federation of Teachers, discussed with the committee his view that Article VI, Section 2 should be retained in its current form because a body of law has been build up around the provision such that the public has an understanding of the meaning of the words “thorough and efficient.”

After considering the views of these speakers, as well as the opinions expressed by the other speakers who had appeared before the committee prior to 2015, the committee voted to retain Article VI, Section 2 in its current form.

After a presentation in 2014 by Robert R. Cupp, in his prior position as chief legal counsel for the Ohio Auditor of State, on the topic of Article VI, Section 1, dealing with funds for religious and educational purposes, the committee determined that the provision still served a useful purpose and should be retained in its current form.

In May, the committee began a review of Article VI, Section 3, relating to local boards of education. Wishing to consider the experiences of board members from both a large city school district and a smaller rural district, the committee heard presentations by Gary L. Baker, II, president of the Columbus Board of Education, as well as Eric Germann, member of the board of education of Lincolnview Local Schools. The committee also heard presentations by vocational school board member Sue Steele of the Great Oaks Institute of Technology and Career Development, and by Al Haberstroh, a board member from the Trumbull County Educational Service Center. These presentations assisted the committee's decision to recommend that Article VI, Section 3 be retained in its current form.

In October, the committee began a review of Article VI, Section 4, providing for a state board of education as well as a superintendent of public instruction. William Phillis, executive director of the Ohio Coalition for Equity and Adequacy of School Funding, presented to the committee on the "Evolution of the State Board of Education," advocating that the state board return to an all-elected membership instead of the current format in which some board members are elected and some are appointed by the governor.

Reports and Recommendations

By December, the Education, Public Institutions, and Local Government Committee had issued reports and recommendations for no change to Article VI, Section 1 (Funds for Religious and Educational Purposes), and Section 2 (School Funds). The committee also heard the first presentation of a report and recommendation recommending no change to Article VI, Section 3 (Public School System, Boards of Education).

Finance, Taxation, and Economic Development Committee

Charge

The Finance, Taxation, and Economic Development Committee is charged with reviewing Article VIII (Public Debt and Public Works), Article XII (Finance and Taxation), and Article XIII (Corporations), and with topics related to tax reform, and statewide economic development.

Committee Members

Douglas R. Cole chaired the committee in 2015, with Karla L. Bell serving as vice-chair.

Individuals who served on the committee during the year included Rep. Ron Amstutz, Herb Asher, Rep. Kathleen Clyde, Jo Ann Davidson, Frederick E. Mills, Sen. Bob Peterson, Sen. Tom Sawyer, Sen. Charleta B. Tavares, and Kathleen M. Trafford.

Topics Reviewed

During the year, the committee continued its consideration of how the state addresses debt. The committee heard from Seth Metcalf, deputy treasurer and general counsel to the Ohio Treasurer, as well as from Professor Richard Briffault of the Columbia University Law School, both of whom presented ideas for modernizing Article VIII to eliminate obsolete provisions and to prevent the need for provisions that might become obsolete in the future. The committee also heard a presentation by Timothy S. Keen, director of the Ohio Office of Budget and Management, who suggested several ways in which the state's debt provisions in Article VIII could be modernized.

Reports and Recommendations

The Finance, Taxation, and Economic Development Committee did not forward any reports and recommendations to the Commission in 2015, but expects to present a comprehensive plan for revising and revitalizing Article VIII before concluding its work on the topic of state finance.

Judicial Branch and Administration of Justice Committee

Charge

The Judicial Branch and Administration of Justice Committee is charged with reviewing Article IV (Judicial); Article I, Sections 5, 8-10a, 12, 14, 15, 16, and 19a (sections relating to Rights Under Justice); and topics related to judicial organization, the criminal and civil justice system, and the rights of the criminally accused.

Committee Members

Janet Gilligan Abaray chaired the committee during 2015, with Patrick F. Fischer serving as vice-chair.

Members of the committee during the year included Rep. Michael F. Curtin, Jeff Jacobson, Charles F. Kurfess, Dennis P. Mulvihill, Rep. Nathan H. Manning, Rep. Robert McColley, Sen. Larry Obhof, Richard B. Saphire, Sen. Michael Skindell, Rep. Emilia Strong Sykes, and Mark Wagoner.

Topics Reviewed

After concluding that Article IV, Section 19 (Courts of Conciliation) and Section 22 (Supreme Court Commission) were obsolete provisions and should be repealed, the Judicial Branch and Administration of Justice Committee considered a proposal by Ohio Supreme Court Justice Paul E. Pfeifer to allow the Ohio Supreme Court to take original jurisdiction over actions for

declaratory judgment in cases of public or great general interest. In July, the committee took up the question of whether Ohio's grand jury system for procuring criminal indictments was in need of revision.

Presentations to the committee included Ohio Supreme Court Chief Justice Maureen O'Connor's presentation regarding the evaluation of judicial elections and candidates, and a review of the legal concepts of standing and justiciability by Professor Michael E. Solimine of the University of Cincinnati College of Law. On the topic of the grand jury procedure, the committee heard from Sen. Sandra Williams, a member of the Governor's Task Force on Community-Police Relations, on recommending changes to Ohio's grand jury process. The committee also heard a presentation about grand juries by Professor Gregory M. Gilchrist of the University of Toledo College of Law.

Reports and Recommendations

The Judicial Branch and the Administration of Justice Committee issued a report and recommendation that recommended repeal of Article IV, Section 19 (Courts of Conciliation), and Section 22 (Supreme Court Commission). These recommendations were forwarded to the Commission, which adopted both reports and recommendations for presentation to the General Assembly.

Bill of Rights and Voting Committee

Charge

The Bill of Rights and Voting Committee is charged with reviewing those sections of Article I involving the rights of all, including Sections 1 (Inalienable Rights); 2 (Right to Alter, Reform, or Abolish Government); 3 (Right to Assemble); 4 (Bearing Arms, Standing Armies, and Military Power); 6 (Slavery and Involuntary Servitude); 7 (Rights of Conscience, Education, the Necessity of Religion and Knowledge); 11 (Freedom of Speech, of the Press, of Libels); 13 (Quartering Troops); 17 (No Hereditary Privileges); 18 (Suspension of Laws); 19 (Eminent Domain); 19b (Protect Private Property Rights in Ground Water, Lakes and Other Watercourses); 20 (Powers Reserved to the People); and 21 (Preservation of the Freedom to Choose Health Care and Health Care Coverage). In addition, the committee is charged with reviewing the provisions of the Ohio Constitution dealing with voting rights, including all sections of Article V (Elective Franchise) and Article XVII (Elections).

Committee Members

Richard B. Saphire chaired the committee in 2015, with Jeff Jacobson serving as vice-chair.

Individuals who served on the committee during 2015 were Rep. Ron Amstutz, Karla L. Bell, Rep. Kathleen Clyde, Douglas R. Cole, Patrick F. Fischer, Edward L. Gilbert, Sen. Bob Peterson, and Sen. Michael Skindell.

Topics Reviewed

The Bill of Rights and Voting Committee spent much of 2015 considering what changes to recommend to Article V, Section 6, which addresses the disenfranchisement of mentally incapacitated individuals. While members of the committee agreed that the provision's current description of such persons as being "idiots and insane persons" was outdated and derogatory, the committee debated what would be the appropriate substitute phrasing, as well as whether a new provision should include a requirement of an adjudication, a mandate for action by the General Assembly in enacting statutory law relating to the issue, and language that would appropriately describe voting as a right, a privilege, or both.

Relating to this issue, the committee heard on several occasions from Michael Kirkman, executive director of the advocacy group Disability Rights Ohio, who discussed with the committee the considerations and problems inherent in evaluating mental incapacity for the purposes of voting, and suggested approaches the committee might use in changing the objectionable language. The committee also heard a presentation by Wilson R. Huhn, professor emeritus at the University of Akron School of Law, on behalf of the American Civil Liberties Union of Ohio, in which he advocated removal or revision of Article V, Section 6.

Reports and Recommendations

Based upon its previous decisions to recommend retention of several constitutional provisions in their current form, the committee issued reports and recommendations for Article I, Section 2 (Right to Alter, Reform, or Abolish Government, and Repeal Special Privileges); Section 3 (Right to Assemble); Section 4 (Bearing Arms, Standing Armies, and Military Power); Section 13 (Quartering Troops); Section 17 (No Hereditary Privileges); and Section 20 (Powers Reserved to the People). The committee also issued a report and recommendation for Article V, Section 4 (Exclusion from Franchise for Felony Conviction).

The committee considered a report and recommendation for Article V, Section 6 (Mental Capacity to Vote), and expects, in early 2016, to issue a report and recommendation recommending a change to this provision that would remove the outdated language referring to persons of diminished mental capacity.

Constitutional Revision and Updating Committee

Charge

The Constitutional Revision and Updating Committee is charged with reviewing Article II, Section 1, which provides the initiative process, by which citizens may propose to the General Assembly laws and amendments to the Ohio Constitution, and the referendum process, by which citizens may adopt or reject laws and amendments adopted by the General Assembly. The committee also is charged with reviewing Article XVI, Sections 1, 2, and 3, governing the process by which the General Assembly proposes amendments to the Ohio Constitution as well as the process for holding a constitutional convention in order to revise, amend, or change the Ohio Constitution. Under R.C. 103.61(C), the committee's express purpose is to carry out the

statutory directive that the Commission consider “the problems pertaining to the amendment of the constitution.”

Committee Members

Dennis P. Mulvihill chaired the committee in 2015, with Charles F. Kurfess serving as vice-chair.

Individuals who served on the committee during the year included Janet Gilligan Abaray, Roger L. Beckett, Rep. Robert R. Cupp, Rep. Michael F. Curtin, Larry L. Macon, Sen. Larry Obhof, Chad A. Readler, Sen. Tom Sawyer, Rep. Emilia Strong Sykes, and Mark Wagoner.

Topics Reviewed

The Constitutional Revision and Updating Committee continued its consideration of whether the existing constitutional provisions regarding initiative and referendum should be retained, or whether they should be modified in favor of a system that would encourage members of the public wishing to effect change to pursue the enactment of statutory law rather than the adoption of constitutional amendments.

Significantly, the committee focused on ways to prevent persons seeking an economic advantage from using the initiative process to create a monopoly under the constitution. These discussions were beneficial to a General Assembly effort to place an issue on the ballot asking voters to approve a constitutional provision preventing the initiative process from being used in this manner. Thus, “Issue 2” was approved by voters on November 3, 2015, resulting in an amendment to Article II, Section 1e.

In November, the committee continued its ongoing consideration of potential changes to the indirect statutory initiative. As a preliminary step toward issuing a report and recommendation addressing the statutory initiative process, the committee considered whether a revision of the relevant sections should include language eliminating the supplemental petition requirement, keeping the statutory initiative, and indicating that, if the General Assembly passes something different or refuses to act, the proponents of the initiative can go directly to the voters. The committee also considered a “safe harbor” provision preventing the General Assembly from acting on an initiated statute for five years absent a two-thirds vote, and raising the petition signature requirement from three percent to five percent.

Reports and Recommendations

The committee will continue to discuss potential changes to the existing constitutional provisions governing the initiative and referendum process, and expects to issue a report and recommendation in early 2016.

Legislative Branch and Executive Branch Committee

Charge

The Legislative Branch and Executive Branch Committee is charged with reviewing Article II (Legislative), Article III (Executive), Article IX (Militia), Article XI (Apportionment), Article XIV (Livestock Care Standards Board), as well as all provisions relating to term limits, redistricting and apportionment, and global, interstate, and regional economic development.

Committee Members

Frederick E. Mills chaired the committee in 2015, while Paula Brooks served as vice-chair.

Committee members during the year included Herb Asher, Sen. Bill Coley, Rep. Michael F. Curtin, Jo Ann Davidson, Rep. Nathan H. Manning, Larry L. Macon, Rep. Robert McColley, Bob Taft, Pierrette Talley, Sen. Charleta B. Tavares, and Kathleen M. Trafford.

Topics Reviewed

In 2015, the committee considered whether to recommend a change to Article II, Section 2, relating to term limits for state legislators. The committee concluded that term limits for state representatives should be lengthened from the current limit of four two-year terms to six two-year terms, with term limits for state senators to be extended from the current limit of two four-year terms to three four-year terms. The committee decided to allow the full Commission to decide whether the extension should apply to sitting legislators.

Speakers who appeared before the committee to discuss term limits included Tony Seegers, director of state policy for the Ohio Farm Bureau Federation, Ray Warrick, who heads “Eight is Enough,” an organization lobbying to keep term limits at eight years, and Phillip Blumel of U.S. Term Limits, a national organization advocating the use of term limits.

In February, the committee considered a proposal to create a public official pay commission, and on this topic heard from Frank Strigari, legal counsel to the Senate Majority Caucus.

With the assistance of discussions in the Legislative Branch and Executive Branch Committee, at the conclusion of 2014, the 130th General Assembly adopted a resolution to create a redistricting commission to draw the state legislative districts. The resolution appeared as Issue 1 on the November 2015 ballot, and was approved by voters by a wide margin. As a result, Article XI was amended, with Sections 1 through 15 being repealed, and new Sections 1 through 10 being enacted. The effective date of the new sections is January 1, 2021.

Based on the success of the bipartisan effort to reform the legislative redistricting process, in the fall of 2015 the committee reviewed and discussed two pending General Assembly resolutions that, if adopted, would ask voters to approve the creation of a similar commission to draw Congressional districts. The committee heard presentations by Rep. Kathleen Clyde and Rep. Michael F. Curtin, who presented on their sponsored resolution, H.J.R. 2, as well as from Sen.

Frank LaRose and Sen. Tom Sawyer, who presented on their sponsored resolution, S.J.R. 2. In November, Rep. Clyde and Rep. Curtin returned to the podium to discuss with the committee a draft of a new proposed resolution combining features of both the House and Senate resolutions. Throughout its review and discussion of the topic of legislative and Congressional redistricting, the committee heard presentations by Richard Gunther, professor emeritus of The Ohio State University, Ann Henkener of the League of Women Voters of Ohio, Catherine Turcer of Common Cause Ohio, and Carrie Wimbish of the Ohio Voter Rights Coalition, all of whom advocated for redistricting reform.

The fall of 2015 also saw the committee begin its review of Article II, Section 15(D), the “one subject rule” that restricts legislative enactments to a single subject. After hearing a summary of Ohio Supreme Court decisions interpreting the rule by Commission Counsel O’Neill, the committee also heard a presentation on the history of the one-subject rule by Attorney John Kulewicz.

Reports and Recommendations

The committee issued a report and recommendation with two separate options for addressing Article II, Section 2 (Election and Term of State Legislators). One option recommends extending term limits from eight years to 12 years, but only allowing newly-elected legislators to take advantage of the extension. The other option recommends extending the limits for all legislators.

VI. STANDING COMMITTEES

The Commission also has four standing committees including the Organization and Administration Committee, the Coordinating Committee, the Public Education and Information Committee, and the Liaisons with Public Offices Committee.

Organization and Administration Committee

Charge

Under Rule 5.3 of the Rules of Procedure and Conduct, the Organization and Administration Committee is charged with making recommendations to the Commission and staff regarding budget, staffing, ethics, and rules.

Committee Members

Mark Wagoner served as chair in 2015, with Edward L. Gilbert serving as vice-chair.

Individuals who served on the committee during the year were Paula Brooks, Rep. Kathleen Clyde, Douglas R. Cole, Rep. Robert R. Cupp, Charles F. Kurfess, and Sen. Michael Skindell.

Topics Reviewed

In July 2015, the Organization and Administration Committee met to receive an update on the budget for the 2015 fiscal year, as well as to consider recommended changes to the Rules of Procedure and Conduct for the Commission. In September, the committee issued revisions to the rules that allow the committees to issue a recommendation for no change after only one presentation, rather than two presentations as the rules previously required. This revision was then presented to the Commission, which adopted it by a unanimous roll call vote. The Commission additionally adopted a modification to the rules that removed the requirement that the meetings at which a change is considered be consecutively held.

Coordinating Committee

Charge

Under Rule 5.6 of the Rules of Procedure and Conduct, the Coordinating Committee is charged with coordinating the study of the Ohio Constitution by each subject matter committee.

Committee Members

Kathleen M. Trafford served as chair in 2015, with Jo Ann Davidson serving as vice-chair.

Committee members during the year included Janet Gilligan Abaray, Sen. Bill Coley, Patrick F. Fischer, Dennis P. Mulvihill, Sen. Larry Obhof, and Rep. Emilia Strong Sykes.

Topics Reviewed

The Coordinating Committee approved 11 reports and recommendations for presentation to the full Commission. These included:

- Article IV, Section 19 (Courts of Conciliation);
- Article IV, Section 22 (Supreme Court Commission);
- Article I, Section 2 (Right to Alter, Reform, or Abolish Government, and Repeal Special Privileges);
- Article I, Section 3 (Right to Assemble);
- Article I, Section 4 (Bearing Arms, Standing Armies, and Military Power);
- Article I, Section 13 (Quartering Troops);
- Article I, Section 17 (No Hereditary Privileges);
- Article VI, Section 1 (Funds for Religious and Educational Purposes);
- Article VI, Section 2 (School Funds)
- Article I, Section 20 (Powers Reserved to the People); and
- Article V, Section 4 (Exclusion from Franchise for Felony Conviction).

The committee also was responsible for working with staff in preparing this 2015 Annual Report.

In addition, in November, the Coordinating Committee took on the role of reviewing the progress of the subject matter committees, and, in that capacity, began the process of hearing status reports from the chairs of the subject matter committees. In November, the committee heard updates from Chad A. Readler, chair of the Education, Public Institutions, and Local Government Committee, and from Frederick E. Mills, chair of the Legislative Branch and Executive Branch Committee. In December, the committee heard updates from Douglas R. Cole, chair of the Finance, Taxation, and Economic Development Committee, and from Richard B. Sapphire, chair of the Bill of Rights and Voting Committee.

Public Education and Information Committee

Charge

Under Rule 5.4 of the Rules of Procedure and Conduct, the Public Education and Information Committee is charged with making recommendations to the Commission and staff on how best to disseminate information to the public regarding the Commission and its operation, educate the citizens of Ohio regarding the Commission's proposals, and receive input from the public.

Committee Members

Roger L. Beckett chaired this committee in 2015, with Larry L. Macon serving as vice-chair.

Committee members included Rep. Michael F. Curtin, Jeff Jacobson, Sen. Bob Peterson, Chad A. Readler, Richard B. Sapphire, and Sen. Tom Sawyer.

Topics Reviewed

The Public Education and Information Committee worked with Communications Director Russell in formulating and reviewing a communications plan for publicizing the work of the Commission. As a part of the plan, in 2015 the Commission's website was redesigned and updated to provide a more attractive look, to include more information, and to better facilitate public use. The website was modified in November to include a page facilitating access to reports and recommendations that have been adopted by the Commission.

The committee's meetings were held in joint sessions with the Liaisons with Public Offices Committee.

Liaisons with Public Offices Committee

Charge

Under Rule 5.5 of the Rules of Procedure and Conduct, the Liaisons with Public Offices Committee is charged with providing information and maintaining relations with all public offices reasonably affected by any proposal or action of the committee.

Committee Members

Herb Asher served as chair in 2015, with Governor Bob Taft serving as vice-chair.

Committee members were: Rep. Ron Amstutz, Karla L. Bell, Rep. Nathan H. Manning, Rep. Robert McColley, Frederick E. Mills, Pierrette Talley, and Sen. Charleta B. Tavares.

Topics Reviewed

The Liaisons with Public Offices Committee worked and met jointly with the Public Education and Information Committee in developing a communications plan for the Commission.

VII. PROCEEDINGS OF THE FULL COMMISSION

Several topics discussed by the various committees were subject to additional consideration by the full Commission. One of these topics, originally discussed in the Legislative Branch and Executive Branch Committee, was what, if any, role the Commission should play with regard to ballot issues embracing topics that had been the subject of Commission review. The question arose specifically with regard to House Joint Resolution 12 (state legislative redistricting) from the 130th General Assembly, which was placed on the November 2015 ballot as “Issue 1.” Commission members expressed that, even where a ballot issue directly derives from a recommendation of the Commission, it could be problematic for the Commission to take an official position or to recommend how individuals should vote, as this might exceed the statutory charge of the Commission.

The Commission also discussed the topic of the use of the initiative and referendum process to create a monopoly or cartel in favor of persons or groups seeking an economic advantage. The problems suggested by this use of the constitution had been discussed by the Constitutional Revision and Updating Committee in several meetings. Ultimately, House Joint Resolution 4, passed by the 131st General Assembly and placed on the November 2015 ballot as “Issue 2,” asked voters to approve an amendment that would prohibit the use of the constitution to create a monopoly. Although some members expressed the view that it was unnecessary or unwise to limit the initiative and referendum process, others commented that the protection provided in the proposed amendment was necessary in order to prevent special interests from gaining an advantage through the use of the state’s foundational document.

In accordance with the Commission’s statutory charge, the terms of all public members of the Commission are scheduled to conclude at the end of 2015, although members may be re-appointed to the Commission for another term. To facilitate this process, at the request of Director Hollon, in November public members completed a survey designed to gauge their interest in continuing on the Commission, and to determine whether they would like to be reassigned to a different committee.

VIII. RECOMMENDATIONS TO THE GENERAL ASSEMBLY

By December 2015, the Commission had made the following recommendations to the General Assembly.

The Commission recommended that the following sections of the Ohio Constitution be repealed as obsolete:

- Article IV, Section 19 (Courts of Conciliation);
- Article IV, Section 22 (Supreme Court Commission).

The Commission recommended that the following sections of the Ohio Constitution be retained in their current form:

- Article I, Section 2 (Right to Alter, Reform, or Abolish Government, and Repeal Special Privileges);
- Article I, Section 3 (Right to Assemble);
- Article I, Section 4 (Bearing Arms, Standing Armies, and Military Power);
- Article I, Section 13 (Quartering Troops);
- Article I, Section 17 (No Hereditary Privileges);
- Article VI, Section 1 (Funds for Religious and Educational Purposes); and
- Article VI, Section 2 (School Funds).