

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

[TEMPLATE]

REPORT AND RECOMMENDATION OF THE BILL OF RIGHTS AND VOTING COMMITTEE

OHIO CONSTITUTION ARTICLE I, SECTION 1

INALIENABLE RIGHTS

This Report and Recommendation is issued by the Bill of Rights and Voting Committee (“Committee”) of the Ohio Constitutional Modernization Commission regarding Article I, Section 1 of the Ohio Constitution concerning inalienable rights. It is issued pursuant to Rule 8.2 of the Ohio Constitutional Modernization Commission’s Rules of Procedure and Conduct.

Recommendation

Based on the following report and for the reasons stated herein, the committee recommends that no change be made to Article I, Section 1 of the Ohio Constitution and the provision be retained in its current form.

Background

Article I, Section 1, reads as follows:

All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

- Set out the purpose of the article in which the section is placed.
- State the purpose of the section and what it does.
- State whether the section is original to the 1851 Constitution or when it was added.

Amendments

- State whether the section has been altered since it was adopted, in what year the amendment was passed, and the circumstances surrounding the amendment.
- State whether a proposal has ever been put to the voters to amend the section and failed, including a review of the circumstances surrounding the failure.

Review by Constitutional Conventions and Constitutional Revision Commission

- Provide a summary of what the Constitutional Conventions in the 1870s and 1910s stated about the section, if important to the report.
- Provide a summary of what the 1970s Constitutional Revision Commission stated about the section, if applicable to the report.

Litigation Involving the Provision

- Provide a summary of any major/significant state litigation involving the provision and how it has been interpreted over the years, primarily by the Ohio Supreme Court.
- Provide a summary of any major/significant federal litigation that may impact upon the appropriateness of the section in relation to the U.S. Constitution.

Presentations to and Consideration by the Committee

- Provide a summary of any presentations to the committee on the topic, including information about the speaker and the speaker's background and any materials the speaker presents to the committee for its review.
- Provide a summary of the discussion and other consideration given by committee members to the topic under review.
- Provide a summary of surveys of similar provisions in the constitutions of other states, if prepared and relevant to the topic under review.

Rationale and Conclusion

- Provide a statement of the recommendation the committee is making regarding the section under review and state the rationale for the recommendation.
- If no change in the provision is recommended, then a short statement that the matter was discussed and the committee believes the provision has served the state well sufficiently states the rationale.
- If a change is recommended, then this section should set out the reasoning behind the committee's recommendation to change the provision.

Additional Resources

- If it would be helpful to Commission members or future readers of the report, this section should contain a list of additional resources that might provide background information on the section(s) under consideration.

Date Adopted by Committee

After review and consideration by the Bill of Rights and Voting Committee on _____, 2014, and _____, 2014, the committee voted to adopt this Report and Recommendation on _____, 2014 and forward it to the full Commission for its consideration.