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34th House District



Co-Chair
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69th House District

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

CONSTITUTIONAL REVISIONS & UPDATING COMMITTEE
DENNIS MULVIHILL, CHAIR
COMMITTEE MINUTES
THURSDAY, OCTOBER 10, 2013

Chairman Mulvihill called the meeting of the Constitutional Revisions and Updating Committee to order at 9:02am and asked staff to call the roll. The following members were present: Chairman Mulvihill, Vice Chair Kurfess, Dr. Herb Asher, Senator Cafaro, Representative Dennis Murray, and Senator Obhof. The following members were excused: Ms. Janet Gilligan Abaray, Mr. Chad Readler, and Mr. Richard Walinski. A quorum was present and the committee proceeded.

Chairman Mulvihill called the committee's first of two witnesses, Mr. Donald J. McTigue ESQ., of McTigue & McGinnis LLC., Attorneys at Law. Mr. McTigue's testimony focused on four themes; legislative burdens placed upon the initiative and referendum process, improving constitutional language to forestall legislative burdens, correct unintended consequences from the 2008 constitutional amendment, and clarifying certain existing initiative and referendum requirements.

Mr. McTigue stated that the General Assembly had placed, "undue burdens on the exercise of the rights of citizen initiative and referendum." Mr. McTigue argued that the Ohio Attorney General's certification for referendum processes was ~~timely and~~ burdensome to the citizen's ability to collect petitions in a small amount of time. He also argued against the Form 15 requirements, electronic copies requirement, numbering requirements, index requirement, and a number of other requirements enacted by the General Assembly through Senate Bill 47. Mr. McTigue argued that there were many unintended consequences from 2008's amendments related to timeframes and deadlines, as well as Ohio Supreme Court jurisdictions and overlap of petition challenge periods.

Mr. McTigue strongly emphasized that Ohio citizens consistently choose constitutional amendments over initiated statutes. Mr. McTigue spoke to the legislature's ability to change a law and nullify any petition a citizen's initiated statute proposed. Mr. McTigue stated that improvements could be made by increasing petition timeframes, adding more than one amendment or law on a petition, clarifying legislative definitions and many other technical clarifications. Mr. McTigue's argued that the General Assembly should "facilitate and not restrict" a citizen's right to exercise initiative and referendum.

Representative Murray asked the witness on challenges made to restricting the rights of the initiative and referendum process. The Witness replied that there is not a lot of case law.

Chairman Mulvihill and Member Kurfess asked the question on the cost of these processes. The Witness replied that the cost is in the millions of dollars.

Member Asher and Representative Murray asked the witness to provide redline copies of suggested changes. The witness agreed.

Member Asher asked the witness if it was his opinion that a statute should be in place prohibiting the legislature's ability to alter the initiated statute process. The witness agreed.

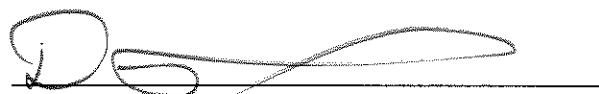
Chairman Mulvihill then called the committee's second and final witness, Mr. Scott J. Tillman; National Field Director for Virginia based Citizens in Charge. Citizens in Charge is a national advocacy organization for the protection and expansion of state initiatives and referendums.

Mr. Tillman's testimony centered on Ohio's initiative and referendum processes. Mr. Tillman's testimony mirrored a lot of Mr. McTigue's testimony. Mr. Tillman's testimony covered four areas; initiated statutes vs. amendments, other state examples, First Amendment concerns, and Ohio's referendum process.

The committee asked the witness numerous questions regarding the referendum and initiative process which the witness answered to their satisfaction.

Chairman Mulvihill suggested to the committee that Ohio State Senator Seitz should be asked to testify before the committee. The committee agreed that Senator Seitz should testify before the committee. The committee then asked Dr. Steinglass to help facilitate that request.

There being no further business before the committee, Chairman Mulvihill adjourned the meeting at 10:15am.



DENNIS MULVIHILL, CHAIR



CHARLES KURFESS, VICE CHAIR