



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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Coordinating Committee

Kathleen M. Trafford, Chair  
Jo Ann Davidson, Vice-chair

November 12, 2015

Ohio Statehouse  
Room 017

## **OCMC Coordinating Committee**

Chair        Ms. Kathleen Trafford  
Vice-chair   Ms. Jo Ann Davidson  
              Ms. Janet Abaray  
              Sen. Bill Coley  
              Judge Patrick Fischer  
              Mr. Dennis Mulvihill  
              Sen. Larry Obhof  
              Rep. Emilia Sykes

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**OHIO CONSTITUTIONAL MODERNIZATION COMMISSION**

**COORDINATING COMMITTEE**

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**THURSDAY, DECEMBER 10, 2015**

**10:15 A.M.**

**OHIO STATEHOUSE ROOM 018**

**AGENDA**

**I. Call to Order**

**II. Roll Call**

**III. Approval of Minutes**

- Meeting of October 8, 2015

*[Draft Minutes – attached]*

- Meeting of November 12, 2015

*[Draft Minutes – attached]*

**IV. Reports and Recommendations**

- Article I, Section 20 (Powers Reserved to the People)
  - Presentation
  - Discussion
  - **Action Item: Consideration and Adoption**

*[Report and Recommendation – attached]*

- Article V, Section 4 (Exclusion from Franchise for Felony Conviction)
  - Presentation
  - Discussion
  - **Action Item: Consideration and Adoption**

*[Report and Recommendation – attached]*

- Article II, Section 2 (Election and Term of State Legislators)
  - Presentation
  - Discussion
  - **Action Item: Consideration and Adoption**

*[Report and Recommendation – attached]*

#### V. Annual Report

- Review of 2015 Annual Report

Executive Director Steven C. Hollon will review the 2015 Annual Report of the Ohio Constitutional Modernization Commission.

*[2015 Annual Report – attached]*

#### VI. Presentations

- Status report of the Finance, Taxation, and Economic Development Committee

Doug Cole, Chair

*[Planning Worksheet – attached]*

- Status report of the Bill of Rights and Voting Committee

Richard Saphire, Chair

*[Planning Worksheet – attached]*

#### VII. Old Business

#### VIII. New Business

#### IX. Public Comment

#### X. Adjourn



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### MINUTES OF THE COORDINATING COMMITTEE

FOR THE MEETING HELD  
THURSDAY, OCTOBER 8, 2015

#### **Call to Order:**

Chair Kathleen Trafford called the meeting of the Coordinating Committee to order at 12:40 p.m.

#### **Members Present:**

A quorum was present with Chair Trafford, Vice-chair Davidson, and committee members Coley, Fischer, and Obhof in attendance.

#### **Approval of Minutes:**

The minutes of the July 9, 2015 meeting of the committee were approved.

#### **Reports and Recommendations:**

Chad Readler, chair of the Education, Public Institutions, and Local Government Committee, provided a review of two reports and recommendations issued by that committee.

##### *Article VI, Section 1 (Funds for Religious and Educational Purposes)*

The first report and recommendation presented was on Article VI, Section 1 (Funds for Religious and Educational Purposes). Mr. Readler pointed out that Article VI, Section 1, dealing with the funds deriving from the sale or other disposition of lands or other property granted or entrusted to the state for educational or religious purposes, dates back to the Northwest Ordinance, and helped establish the importance of education to the state. He said the provision related to tracts of land that were set aside in each township for educational or religious purposes. Mr. Readler pointed out that the section gives the General Assembly discretion to use or dispose of funds deriving from these lands, with some lands still providing revenue to local school districts for educational purposes. In the report and recommendation the Education, Public Institutions, and Local Government Committee concludes that Article VI, Section 1 should be retained in its current form.

Chair Trafford reminded the members of the committee that the purpose of their review of reports and recommendations issued by subject matter committees is limited to form and completeness and not as to substance.

Upon motion by Judge Pat Fischer, with a second by Vice-chair Davidson, the committee voted unanimously to approve the report and recommendation for Article VI, Section 1.

*Article VI, Section 2 (School Funds)*

The second report and recommendation presented by Mr. Readler was on Article VI, Section 2 (School Funds). Mr. Readler noted that this section requires the General Assembly to act to secure a “thorough and efficient” system of public education across the state, and that it was the first of many similar provisions to be placed in the constitutions of other states. He said there had been many presentations to the Education, Public Institutions, and Local Government Committee on this section, particularly the “thorough and efficient” requirement contained in the body of the section. Mr. Readler noted the report and recommendation sets forth the committee’s conclusion that the provision should be retained in its current form.

Upon motion by Sen. Coley, which was seconded by Senator Larry Obhof, the committee voted unanimously to approve the report and recommendation for Article VI, Section 2.

**Adjournment:**

With no further business to come before the committee, the meeting adjourned at 1:00 p.m.

**Approval:**

The minutes of the October 8, 2015 meeting of the Coordinating Committee were approved at the December 10, 2015 meeting of the committee.

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Kathleen M. Trafford, Chair

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Jo Ann Davidson, Vice-chair



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### MINUTES OF THE COORDINATING COMMITTEE

FOR THE MEETING HELD  
THURSDAY, NOVEMBER 12, 2015

#### **Call to Order:**

Chair Kathleen Trafford called the meeting of the Coordinating Committee to order at 12:40 p.m.

#### **Members Present:**

Committee members in attendance included Chair Trafford, Vice-chair Davidson, and committee members Fischer, and Mulvihill.

#### **Presentations:**

Chair Trafford indicated the committee would be reviewing the progress of the subject matter committees, and, in that capacity, is hearing status reports from the chairs of two subject matter committees.

#### *Education, Public Institutions, and Local Government Committee*

Chair Trafford then recognized Chad Readler, chair of the Education, Public Institutions, and Local Government Committee, who reported on the progress of the committee's work.

Mr. Readler said the committee has four areas of responsibility: public education, public institutions, local government issues, and miscellaneous. He said the committee first is addressing the six sections relating to education in Article VI, with Section 2, regarding school funds, being the most controversial. He said he expects it will take six months for the committee to complete its review of all of the education sections, then the committee will move on to the public institutions sections in Article VII. He said that article has only three sections, with Section 1 referencing the "insane, blind, deaf and dumb," a phrasing he hopes can be altered to reflect more modern usage. He said after Article VII, the committee will review Article X and XVIII, with a number of sections in those provisions possibly needing change. He said he is not sure where that discussion will lead. He said the committee also has been assigned the miscellaneous provisions in Article XV, noting that he hasn't heard a lot of discussion about potential proposals for change in those provisions. He referenced Article XV, Section 11,

relating to marriage, commenting that part of that section is now unconstitutional based upon a ruling by the United States Supreme Court, and he expects a discussion will occur on whether that section continues to be needed.

Chair Trafford asked whether it is his plan to address each article separately as the committee goes through the process, and Mr. Readler agreed that this is how he anticipates the committee will proceed. Mr. Readler having concluded his report, Chair Trafford thanked him for appearing.

#### *Legislative Branch and Executive Branch Committee*

Chair Trafford then recognized Fred Mills, chair of the Legislative Branch and Executive Branch Committee, to report on the activities of his committee. Mr. Mills said the committee has been busy, describing the meeting that had just concluded in which the committee had heard a presentation by Attorney John Kulewicz on the one-subject rule and talked at length about a possible amendment that would create a new procedure for drawing Congressional districts. He said that redistricting, and the topic of term limits the committee dealt with some months ago, are the major issues the committee has looked at. He said he knows there are many sections the committee hasn't talked about, but that a number of provisions in Articles II and III won't require any change and could be dealt with quickly when the committee gets the chance to address them. He said he offered the governor's office a chance to present to the committee, and would welcome the governor's legal counsel to present to the committee. He said he anticipates the committee's other charges, involving addressing provisions relating to the state militia and the livestock standards board, will be addressed in the next two-year time frame.

Chair Trafford asked Mr. Mills whether it is the committee's intention to finish with the legislative branch article before moving to the executive branch article, and he agreed that this is the plan.

Vice-chair Davidson commented that the committee "can partially lay claim to having something passed by the electorate," referring to Issue 1 on the November 2015 ballot that reformed the legislative redistricting process.

Chair Trafford commented that the committee had completed its work on term limits as well.

Mr. Mulvihill asked what the committee's recommendation was on term limits, to which Mr. Mills replied the committee had recommended extending the terms of state legislators from a limit of eight years to 12 years. He said the committee did not address whether the proposed new limits should apply only prospectively, instead deciding the full Commission should address that question.

Chair Trafford then noted that the committee lacked a quorum, so it would be unable to entertain any other business. Director Hollon said the committee will meet earlier in the day in December, no later than 12:30 p.m., because it is the goal to get approved reports and recommendations to the full Commission for its 1:30 p.m. meeting. He said the reports and recommendations for Article I, Section 20 (Powers Reserved to the People); Article V, Section 4 (Exclusion from



Franchise for Felony Conviction); and Article II, Section 2 (Term Limits), would be submitted for consideration by the Coordinating Committee in December.

**Adjournment:**

With no further business to come before the committee, the meeting adjourned at 4:20 p.m.

**Approval:**

The minutes of the November 12, 2015 meeting of the Coordinating Committee were approved at the December 10, 2015 meeting of the committee.

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Kathleen M. Trafford, Chair

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Jo Ann Davidson, Vice-chair

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## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### REPORT AND RECOMMENDATION OF THE BILL OF RIGHTS AND VOTING COMMITTEE

#### OHIO CONSTITUTION ARTICLE I, SECTION 20

#### POWERS RESERVED TO THE PEOPLE

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The Bill of Rights and Voting Committee of the Ohio Constitutional Modernization Commission issues this report and recommendation regarding Article I, Section 20 of the Ohio Constitution concerning powers that are reserved to or retained by the people. It is issued pursuant to Rule 8.2 of the Ohio Constitutional Modernization Commission's Rules of Procedure and Conduct.

#### **Recommendation**

*The committee recommends that no change be made to Article I, Section 20 of the Ohio Constitution and that the provision be retained in its current form.*

#### **Background**

Article I, Section 20 reads as follows:

This enumeration of rights shall not be construed to impair or deny others retained by the people, and all powers, not herein delegated, remain with the people.

Adopted as part of the 1851 Ohio Constitution, the provision was preceded by Article VIII, Section 28 of the 1802 constitution, which reads:

To guard against the transgressions of the high powers which we have delegated, we declare that all powers not hereby delegated remain with the people.

The Bill of Rights as set forth in Article I is a declaration of rights and liberties similar to those contained in the United States Constitution.

Mirroring language from both the Ninth and Tenth Amendments to the United States Constitution, Section 20 has been viewed as lacking much legal force other than expressing the view that the powers of the government are derived from the people.<sup>1</sup> Despite the textual similarities to the federal amendments, Ohio courts have generally not looked to federal law in

interpreting Section 20. In part, this is because there is little United States Supreme Court guidance on the meaning of the Ninth Amendment and because the Tenth Amendment does not address the relationship between the individual and the state.

The Ninth Amendment states:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The Ninth Amendment has been the subject of much scholarly commentary but little judicial construction. For example, constitutional scholars have variously interpreted the Ninth Amendment as preserving natural rights that were recognized in 1791 or that changed over time, as incorporating rights contained in state constitutions and the common law, and as supporting federalism and the autonomy of local government.<sup>2</sup> More importantly, the U.S. Supreme Court has been reluctant to offer much guidance as to the meaning of the Amendment. For example, the most noteworthy reliance on the Ninth Amendment by the Court was in a concurring opinion by Justice Goldberg in *Griswold v. Connecticut*, 381 U.S. 479, 486 (1965). In agreeing with the decision striking down the Connecticut limitation on birth control, Justice Goldberg concluded that a right of privacy in a marital relationship is a right retained by the people because the Ninth Amendment was meant to protect individual rights that otherwise were not listed in the Bill of Rights. However, despite Justice Goldberg's concurrence, the Court has not provided an authoritative construction of the amendment.<sup>3</sup> Instead, the Court has preferred to rely on the liberty provision of the Fourteenth Amendment when dealing with unenumerated rights.<sup>4</sup> As a result, Ohio courts are unable to rely on Ninth Amendment jurisprudence to give meaning to Section 20.

The Tenth Amendment provides:

The powers not delegated to the United States by the Constitution, nor prohibited by the States, are reserved to the States respectively, or to the people.

The Tenth Amendment initially addresses the relationship between federal and state power. The Court once famously noted that “[t]he amendment states but a truism that all is retained which has not been surrendered.” *United States v. Darby*, 312 U.S. 100, 124 (1941). In more recent years, however, the Court has utilized the Tenth Amendment to limit federal actions that commandeered state institutions. For example, the Court has held that Congress cannot require a state to choose between expanding Medicaid or losing all Medicaid-related federal funding (*Natl. Fedn. of Indep. Business v. Sebelius*, \_\_\_ U.S. \_\_\_, 132 S.Ct. 2566 (2012)); cannot require a state to choose between storing toxic waste or passing a regulatory scheme designed by Congress (*New York v. United States*, 505 U.S. 144 (1992)); and cannot require state police officers to perform background checks of prospective handgun purchasers (*Printz v. United States*, 521 U.S. 898 (1997)).

Although the Court has given some meaning to the first portion of the Tenth Amendment, it has not done the same for the final “reserved to the people” language of the amendment. Thus, the Tenth Amendment does not provide guidance as to the proper construction of Section 20.

Despite the absence of guidance from the federal constitution, a source of guidance could come from the constitutions of other states. Some state constitutions adopted prior to the federal constitution contained inherent or natural rights clauses,<sup>5</sup> and today a majority of states have unenumerated powers clauses. State courts have adopted a variety of approaches when interpreting these provisions, with decisions ranging from those assigning little significance to them to those concluding that they protect a variety of unenumerated rights.

### **Amendments, Proposed Amendments, and Other Review**

Article I, Section 20 has not been amended since its adoption as part of the 1851 Ohio Constitution.<sup>6</sup> The 1970s Ohio Constitutional Revision Commission did not recommend any changes to this section.<sup>7</sup>

### **Litigation Involving the Provision**

Ohio courts generally have not dealt with Section 20, with the major decision construing it being over 100 years old. In 1876, the Ohio Supreme Court stated that the section “only declares that powers not delegated remain with the people. It does not purport to limit or modify delegated powers.” *State ex rel. Atty. Gen. v. Covington*, 29 Ohio St. 102, 112 (1876). In that case, the General Assembly passed a law calling for the state to select the police commissioners of Cincinnati. Arguing the law was unconstitutional under Section 20, respondents argued that at the time of adoption of the 1851 constitution, the power to appoint a police board was local. Thus, because the power had not been delegated to the General Assembly, it was to remain with the people. The Court rejected this argument, stating:

By such interpretation of the constitution, the body of law in force at the time of its adoption would have become as permanent and unchangeable as the constitution itself. For such argument would apply with equal force to every subject of legislation concerning which no special direction is contained in the constitution. Indeed, the true rule for ascertaining the powers of the legislature is to assume its power under the general grant ample for any enactment within the scope of legislation, unless restrained by the terms or the reason of some express inhibition.

*Id.* at 113-14.

Other Ohio Supreme Court decisions generally cite Section 20 only in conjunction with other sections of the Bill of Rights. *See, e.g., Mirick v. Gims*, 79 Ohio St. 174, 86 N.E. 880 (1908)(applying Section 20 and Article II, Section 28 to conclude that the police powers of the state are limited by the Declaration of Rights such that they may not be exercised in an unreasonable or arbitrary manner). As such, Section 20 has not been considered as containing any particular rights not otherwise found in the Ohio Constitution.

Currently, Section 20 generally is only raised in death penalty *habeas corpus* cases in which the defendant argues his or her trial violated multiple state and federal constitutional rights.

However, no court has relied on Section 20 to overturn a conviction. *See, e.g., State v. Mack*, 8<sup>th</sup> Dist. No. 101261, 2015-Ohio-2149, 2015 Ohio App. LEXIS 2075, 2015 WL 3560451; *Lang v. Bobby*, 2015 U.S. Dist. LEXIS 39365, 2015 WL 1423490 (N.D. Ohio).

## **Presentations and Resources Considered**

There were no presentations to the committee on this provision.

## **Conclusion**

The Bill of Rights and Voting Committee concludes that Article I, Section 20 should be retained in its current form.

## **Date Issued**

After formal consideration by the Bill of Rights and Voting Committee on November 12, 2015, the committee voted to issue this report and recommendation on November 12, 2015.

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## **Endnotes**

<sup>1</sup> Steven H. Steinglass and Gino J. Scarselli, *The Ohio State Constitution* 125 (2nd prtg. 2011).

<sup>2</sup> Ryan C. Williams, *The Ninth Amendment as a Rule of Construction*, 111 Columbia L. Rev. 498, 500 (2011).

<sup>3</sup> *See, e.g., Kurt T. Lash, The Lost Jurisprudence of the Ninth Amendment*, 83 Texas L.Rev. 597, 708-709 (2005).

<sup>4</sup> *Id.* at 714.

<sup>5</sup> *See, e.g., Pa. Const. of 1776, Art. I, Declaration of Rights* (“That all men are born equally free and independent, and have certain natural, inherent and inalienable rights, amongst which are, the enjoying and defending of life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.”); *Va. Bill of Rights of 1776, Section 1* (“That all men \* \* \* have certain inherent rights [that] cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property and pursuing and obtaining happiness and safety.”).

<sup>6</sup> Steinglass & Scarselli, *supra*.

<sup>7</sup> Ohio Constitutional Revision Commission (1970-77), *Recommendations for Amendments to the Ohio Constitution, Part 11, The Bill of Rights*, 50-51 (Apr. 15, 1976), <http://www.lsc.ohio.gov/ocrc/recommendations%20pt11%20bill%20of%20rights.pdf>, (last visited Oct. 5, 2015).

*See also* Ohio Constitutional Revision Commission, *Recommendations for Amendments to the Ohio Constitution, Final Report, Index to Proceedings and Research, Appendix K*, 478-79 (June 30, 1977), <http://www.lsc.ohio.gov/ocrc/final%20report%20index%20to%20proceedings%20and%20research.pdf> (last visited Oct. 5, 2015).



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### REPORT AND RECOMMENDATION OF THE BILL OF RIGHTS AND VOTING COMMITTEE

#### OHIO CONSTITUTION ARTICLE V, SECTION 4

#### EXCLUSION FROM FRANCHISE FOR FELONY CONVICTION

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The Bill of Rights and Voting Committee of the Ohio Constitutional Modernization Commission issues this report and recommendation regarding Article V, Section 4 of the Ohio Constitution concerning the disenfranchisement of persons convicted of a felony. It is issued pursuant to Rule 8.2 of the Ohio Constitutional Modernization Commission's Rules of Procedure and Conduct.

#### **Recommendation**

*The committee recommends that no change be made to Article V, Section 4 of the Ohio Constitution and that the provision be retained in its current form.*

#### **Background**

Article V, Section 4 reads as follows:

The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of a felony.

The clear purpose of the provision is to disqualify from voting, and from holding public office, persons who have been convicted of a felony. The provision modifies the broad enfranchisement of United States citizens over the age of 18 who otherwise meet the qualifications of an elector, as contained in Article V, Section 1.<sup>1</sup>

Adopted as part of the 1851 Ohio Constitution, the provision was amended in 1976. The word "felony" is not original to the 1851 Ohio Constitution. Before it was revised, Article V, Section 4 stated:

The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crime.

The section is not self-executing, but empowers the General Assembly to enact laws that exclude felons from voting or holding office, rather than directly disenfranchising. In the exercise of this authority, the General Assembly enacted Ohio Revised Code Section 2961.01, which provides that a person who pleads or is found guilty of a felony “is incompetent to be an elector or juror or to hold an office of honor, trust, or profit.” R.C. 2961.01(A)(1).<sup>2</sup> When a felon is granted parole, judicial release, or conditional pardon, or is released under a control sanction, the statute provides that he or she is competent to be an elector during that period. R.C. 2961.01(A)(2). Finally, under the statute, a felon is incompetent to “circulate or serve as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition.” R.C. 2961.01(B).

### **Amendments, Proposed Amendments, and Other Review**

The Ohio Constitutional Revision Commission (“1970s Commission”) recognized that the phrase “infamous crime” was vague and out-of-date, and that the term “felony” would bring the constitutional provision into line with the criminal statutes. The Elections and Suffrage Committee (“E&S Committee”) of the 1970s Commission, in attempting to discern the definition of “infamous crime,” noted that in some states the term is synonymous with “felony.”<sup>3</sup> A “felony” generally is described as an offense for which more than a year’s incarceration may be imposed, or an offense otherwise identified as a felony in the particular criminal statute. R.C. 2901.02 (E), (F).

The E&S Committee also was influenced by the enactment in 1973 of the new Ohio Criminal Code (effective January 1, 1974), which created R.C. 2961.01, specifying that felons are disenfranchised only during their incarceration.<sup>4</sup> The E&S Committee initially recommended no change to the provision’s phrase “bribery, perjury, or other infamous crime,” focusing instead on a proposal to eliminate Section 6 (disenfranchisement of mentally incapacitated persons) and to add the phrase “and any person mentally incompetent for the purpose of voting” to the end of Section 4.<sup>5</sup>

However, on September 19, 1974, the E&S Committee issued a revision of its recommendation, by which it indicated it was no longer recommending that disenfranchisement of the mentally impaired be included in the provision.<sup>6</sup> The E&S Committee further recommended that reference to eligibility for public office be severed from the provision, instead suggesting that the General Assembly could enact laws to preclude felons from holding public office even after the conclusion of their incarceration. Most importantly, the E&S Committee recommended a change that would substitute the word “felony” for “bribery, perjury, or other infamous crime.”<sup>7</sup>

The 1970s Commission did not approve the E&S Committee’s revised recommendation in full, ultimately only recommending the substitution of the word “felony” for “bribery, perjury, or other infamous crime.” In so recommending, the 1970s Commission articulated its desire “to preserve the flexibility now available to the General Assembly to expand or restrict the franchise in relation to felons in accordance with social and related trends.”<sup>8</sup> Thus, the 1970s Commission recognized that the constitutional provision needed to track the statutory enactment under the



criminal code, which the 1970s Commission recognized as providing that “when a convicted felon is granted probation, parole, or conditional pardon, he is competent to be an elector during such time and until his full obligation has been performed and thereafter following his final discharge.”<sup>9</sup>

The 1970s Commission recommendation, that Article V, Section 4 read that “The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of a felony,” was presented in the 111<sup>th</sup> General Assembly by resolution pursuant to Am. S.J.R. No. 16, submitted by ballot and approved by voters, with an effective date of June 8, 1976.<sup>10</sup>

### **Litigation Involving the Provision**

Although felony disenfranchisement has been challenged under the Equal Protection Clause, it has been upheld by the United States Supreme Court. In *Richardson v. Ramirez*, 418 U.S. 24, 33 (1974), individuals with felony convictions argued that California’s felony disenfranchisement law was unconstitutional because it was not narrowly tailored to meet a compelling state interest. However, the U.S. Supreme Court upheld the law on the basis that the Fourteenth Amendment guarantees the right to vote “except for participation in rebellion, or other crime.” *Id.* at 54. The Court therefore found an “affirmative sanction” for felony disenfranchisement laws in the Fourteenth Amendment. *Id.*

The Ohio Supreme Court has cited Article V, Section 4 only a few times, primarily in cases pertaining to eligibility for public office, rather than to the disenfranchisement of felons.

In *Mason v. State ex rel. McCoy*, 58 Ohio St. 30, 50 N.E. 6 (1898), John W. Mason, after being elected Adams County probate judge, was removed from office for buying votes during his campaign. Mason argued that Article V, Section 4 mandated that the only way he could be removed from office was if he had been convicted of a criminal offense. The court disagreed, stating:

The most that can be said for section 4, article 5, of the Constitution of Ohio is that the general assembly is, by it, given the absolute power to exclude any person from the privilege of ever being eligible to an office – it does not contemplate a grant of a right to an office to all persons not so made eligible to hold one.

*Id.*, 58 Ohio St. at \_\_\_, 50 N.E. at 16.

In *Grooms v. State*, 83 Ohio St. 408, 94 N.E. 743 (1911), another Adams County voter fraud case, the court considered whether it was unconstitutional for a criminal sentence to include disenfranchisement for five years where the accused pled guilty to selling his vote for ten dollars.<sup>11</sup> Against Grooms’ argument that bribery is not an “infamous crime,” the court interpreted the prior version of Article V, Section 4, disenfranchising a person convicted of “bribery, perjury, or other infamous crime,” as indicating bribery is, in fact, an “infamous crime.” Although the decision does not specify the criminal charge, the court’s decision appears

to be based on the notion that, regardless of whether selling a vote is categorized as “bribery,” it does meet the definition of “infamous crime,” and so the disenfranchisement was not unconstitutional.

The unsuccessful argument in *Mason, supra*, again was attempted in *In re Removal of Member of Council Joseph Coppola*, 155 Ohio St. 329, 98 N.E.2d 807 (1951), wherein the court reiterated that Article V, Section 4 does not infringe the power of the General Assembly to legislate as to reasonable qualifications for office, or to enact laws providing for the removal of a public officer for misconduct. *Id.*, 155 Ohio St. at 335-36, 98 N.E.2d at 811.

Interpreting the amended, current version of Article V, Section 4, the Ohio Supreme Court in *State v. Bissantz*, 40 Ohio St.3d 112, 532 N.E.2d 126 (1988), addressed whether a person convicted of bribery in office is forever barred from holding public office if his record is expunged. The court concluded the General Assembly was within its authority under Article V, Section 4 to impose qualifications on those who seek public office, and that the prohibition “reflects an obvious, legitimate public policy \* \* \* that felons convicted of crimes directly related to and arising out of their position of public trust should not ever again be entitled to enjoy such a position.” *Id.*, 40 Ohio St.3d at 116, 532 N.E.2d at 130.

### **Presentations and Resources Considered**

On October 9, 2014, Douglas A. Berman, professor of law at the Moritz College of Law, Ohio State University, presented to the committee on felony disenfranchisement. Professor Berman said Ohio is recognized as one of the few states that allow felons to vote once they have been released from incarceration. Stating that voting is a right, privilege, and responsibility, Prof. Berman expressed that the state must have a strong rationale before disenfranchising.

Asserting the disproportionate impact of felon disenfranchisement on minorities, Prof. Berman cited to statistics showing that, while only 0.6 percent of Ohio’s entire voting population is disenfranchised by having a current felony sentence, that rate is four times higher for African Americans, where 2.4 percent of all voting-age Ohioans of this racial category are disenfranchised by having a felony conviction. Prof. Berman noted that approximately 25,000 of the 50,000 prison population in Ohio is African American.

Prof. Berman asserted that re-enfranchised felons are less likely to commit additional crimes because voting allows them to invest in the laws of the state. Upon release from incarceration, the act of voting becomes a strong symbol of re-entry into society, according to Prof. Berman.

Stating his belief that even those currently serving time should be allowed to vote, Prof. Berman stated that Maine and Vermont allow for this without problems, and that the administrative burden of providing voting opportunities to prisoners is diminished by use of absentee ballots. To Prof. Berman, voting engenders a desire to be involved and informed. Prof. Berman added that the voting right is not about punishment, but about a felon’s engagement with the laws to which he is subject.

Proposing a potential change to Section 4, Prof. Berman suggested that it might be amended to include an express provision allowing incarcerated felons to petition the governor to be re-enfranchised.

## **Discussion and Consideration**

Upon discussion, the consensus of the committee is that Ohio's disenfranchisement of felons only during the period of their incarceration is a reasonable approach that appropriately balances the goals and interests of the criminal justice system with those of incarcerated felons.

Upon considering Prof. Berman's suggestion that the section be revised to include a provision allowing the governor authority to grant petitions to vote by incarcerated felons, the committee concludes that the review and/or modification of the governor's authority is not within the purview of this committee's charge. The committee further acknowledges the possibility that the broad scope of the governor's power to grant reprieves, commutations, and pardons under Article III, Section 11 may already encompass an ability to permit felon enfranchisement. Thus, the committee makes no recommendation in this regard.

## **Conclusion**

The Bill of Rights and Voting Committee concludes that Article V, Section 4 should be retained in its current form.

## **Date Issued**

After formal consideration by the Bill of Rights and Voting Committee on November 12, 2015, the committee voted to issue this report and recommendation on November 12, 2015.

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## **Endnotes**

<sup>1</sup> Article V, Section 1 provides:

Every citizen of the United States, of the age of eighteen years, who has been a resident of the state, county, township, or ward, such time as may be provided by law, and has been registered to vote for thirty days, has the qualifications of an elector, and is entitled to vote at all elections. Any elector who fails to vote in at least one election during any period of four consecutive years shall cease to be an elector unless he again registers to vote.

<sup>2</sup> R.C. 2961.01, relating to civil rights of convicted felons, provides:

(A) (1) A person who pleads guilty to a felony under the laws of this or any other state or the United States and whose plea is accepted by the court or a person against whom a verdict or finding of guilt for committing a felony under any law of that type is returned, unless the plea, verdict, or finding is reversed or annulled, is incompetent to be an elector or juror or to hold an office of honor, trust, or profit.

(2) When any person who under division (A)(1) of this section is incompetent to be an elector or juror or to hold an office of honor, trust, or profit is granted parole, judicial release, or a conditional pardon or is released under a non-jail community control sanction or a post-release control sanction, the person is competent to be an elector during the period of community control, parole, post-release control, or release or until the conditions of the pardon have been performed or have transpired and is competent to be an elector thereafter following final discharge. The full pardon of a person who under division (A)(1) of this section is incompetent to be an elector or juror or to hold an office of honor, trust, or profit restores the rights and privileges so forfeited under division (A)(1) of this section, but a pardon shall not release the person from the costs of a conviction in this state, unless so specified.

(B) A person who pleads guilty to a felony under laws of this state or any other state or the United States and whose plea is accepted by the court or a person against whom a verdict or finding of guilt for committing a felony under any law of that type is returned is incompetent to circulate or serve as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition.

(C) As used in this section:

(1) “Community control sanction” has the same meaning as in section 2929.01 of the Revised Code.

(2) “Non-jail community control sanction” means a community control sanction that is neither a term in a community-based correctional facility nor a term in a jail.

(3) “Post-release control” and “post-release control sanction” have the same meanings as in section 2967.01 of the Revised Code.

<sup>3</sup> Ohio Constitutional Revision Commission (1970-77), Proceedings Research, Volume 5, Elections and Suffrage Committee Research Study No. 25, 2365 (Aug. 20, 1973), <http://www.lsc.ohio.gov/ocrc/v5%20pgs%202195-2601%20elections-suffrage%202602-2743%20local%20govt.pdf> (last visited Aug. 13, 2015).

<sup>4</sup> Ohio Constitutional Revision Commission (1970-77), Vol. 5, Elective Franchise Recommendations, *supra*, at 2513 (Apr. 22, 1974).

For an in-depth discussion of the 1973 enactment of the Criminal Code, see Harry J. Lehman and Alan E. Norris, *Some Legislative History and Comments on Ohio’s New Criminal Code*, 23 Clev.St.L.Rev. 8 (1974).

<sup>5</sup> Ohio Constitutional Revision Commission (1970-77), Volume 5, Elective Franchise Recommendations, *supra*, at 2513-16.

<sup>6</sup> Ohio Constitutional Revision Commission (1970-77), Volume 5, Elections and Suffrage Committee Revision of Committee Recommendation, *supra* at 2586 (Sept. 19, 1974).

<sup>7</sup> *Id.*

<sup>8</sup> Ohio Constitutional Revision Commission (1970-77), Recommendations for Amendments to the Ohio Constitution, Part 7, Elections and Suffrage, 21-22 (March 15, 1975), <http://www.lsc.ohio.gov/ocrc/final%20report%20index%20to%20proceedings%20and%20research.pdf> (last visited Aug. 13, 2015).

*See also* Ohio Constitutional Revision Commission (1970-77), Recommendations for Amendments to the Ohio Constitution, Vol. 11, Final Report, Index to Proceedings and Research, Appendix G, 264-65 (June 30, 1977), <http://www.lsc.ohio.gov/ocrc/final%20report%20index%20to%20proceedings%20and%20research.pdf> (last visited Sept. 16, 2015).



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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Grooms* was yet another case of vote-buying in Adams County, which had experienced a severe problem with the corrupt practice around the turn of the last century. As described by one author:

During Christmas week, 1910, Judge Albion Z. Blair and a grand jury revealed a state of affairs in this Ohio River county which shocked Ohio and the nation. For thirty years, the testimony disclosed, voters of every class and political affiliation – clergymen, physicians, prominent businessmen, as well as humble farm hands and the village poor – had been selling their votes to candidates for office of either party, whichever was willing to pay the price. When the grand jury completed its work in mid-January, 1911, 1,690 persons – all vote sellers – were indicted and pleaded guilty before Judge Blair. Since his purpose in initiating the probe had been to stop the practice rather than to exact a heavy punishment, his penalties were light. A typical sentence was a fine of twenty-five dollars, with all but five dollars remitted, a prison sentence of six months, at once suspended, and loss of voting rights for five years, which was absolute. The number disenfranchised totaled nearly a third of the voting population.

Hoyt Landon Warner, *Progressivism in Ohio 1897-1917*, 267-68 (1964).

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## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### REPORT AND RECOMMENDATION OF THE LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE

#### OHIO CONSTITUTION ARTICLE II, SECTION 2

#### ELECTION AND TERM OF STATE LEGISLATORS [OPTION ONE]

---

The Legislative Branch and Executive Branch Committee of the Ohio Constitutional Modernization Commission issues this report and recommendation regarding Article II, Section 2 of the Ohio Constitution concerning the election and term of state legislators. It is issued pursuant to Rule 8.2 of the Ohio Constitutional Modernization Commission's Rules of Procedure and Conduct.

#### **Recommendation**

*The committee recommends that 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.*

#### **Background**

Article II, Section 2, reads as follows:

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 the electors of the respective senate districts; their terms of office shall commence on the first day of January next after their election. All terms of senators which 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. No person shall hold the office of State Representative for a period longer than four successive terms of two years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1993 shall be considered in determining an individual's eligibility to hold office.

In determining the eligibility of an individual to hold office in accordance [with] 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 the time, if any, [in] which the individual previously held that office, and the time the 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.

Article II concerns the Legislative Branch, providing the organizational structure and membership requirements of the General Assembly, the governor's veto power, and the procedures for initiative and referendum.

### **Amendments, Proposed Amendments, and Other Review**

The 1802 Constitution provided for terms of only one year for representatives and two years for senators.<sup>1</sup> The 1851 Constitution increased the terms to two years for each. Term lengths of two years for senators remained in place until 1956, when voters approved, by a vote of 57.4 percent to 42.6 percent, an amendment that increased the term of office to four years.<sup>2</sup> Another amendment in 1967 staggered senate terms, requiring only half of the senate to stand for election at a time.<sup>3</sup>

In the early 1990s, some 21 states enacted state legislative term limits, responding to public opinion that "career politicians" were to blame for perceived governmental deficiencies.<sup>4</sup> In line with that trend, Ohio voters adopted an amendment limiting all state legislators to eight consecutive years of service, with the result that senators may only serve two successive terms of four years, and representatives may only serve four successive terms of two years.<sup>5</sup> Placed on the ballot by initiative petition as Issue 3, the measure was approved on November 3, 1992 by a margin of 2,982,285 to 1,378,009, or 68.4 percent to 31.6 percent.<sup>6</sup>

In the 1970s, the Ohio Constitutional Revision Commission did not review this provision.



## Litigation Involving the Provision

Article II, Section 2 has not been the subject of litigation; however, similar state constitutional provisions by which Ohio and other states imposed term limits upon federal congressional offices were rejected in *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995) (“Allowing individual States to adopt their own qualifications for congressional service would be inconsistent with the Framers' vision of a uniform National Legislature representing the people of the United States.”).

## Presentations and Resources Considered

The committee received two presentations from John C. Green, Ph.D., Director of the Bliss Institute of Applied Politics at the University of Akron, and one presentation from Ann Henkener, First Vice President of the League of Women Voters of Ohio on this issue.

### *First Green Presentation*

John C. Green first presented to the committee on April 10, 2014. According to Dr. Green, Ohio’s model, called the “common model,” imposes eight-year consecutive limits in each chamber, while other models include six- or eight-year consecutive limits for the house and senate respectively, twelve-year lifetime limitations in both chambers combined, and twelve-year consecutive limits in each chamber. Dr. Green indicated that, between 1997 and 2012, six states repealed or struck down term limits, while one state enacted term limits. Thus, in 2014, 15 states had legislative term limits.

Describing the impact of legislative term limits, Dr. Green stated that term limits have impeded the development of legislative leaders, reducing leaders’ agenda-setting and coalition-building capabilities. He further indicated that the limits reduce the influence of the legislative branch in state government, instead empowering the executive branch, administrative agencies, nonpartisan staff, and lobbyists. Dr. Green also indicated that term limits increase partisanship and reduce the time legislators have to accomplish legislative goals. He noted that term limits have failed to achieve the goal of increasing the number of “citizen legislators,” as opposed to career legislators. Dr. Green observed that term limits have not increased gender, racial, or ethnic diversity in state legislatures.

Dr. Green stated that term limits have had only a modest impact on the electoral process, with no increase in the overall competitiveness of elections, no decrease in campaign spending, and an increase in the role of party caucuses in legislative campaigns. Dr. Green opined that, despite these drawbacks, term limits will continue to have strong public support. However, he stated that increasing the limits from 8 years to 12 years may alleviate the problem of a diminished role for legislative leadership. He also indicated that allowing former legislators to return to office mitigates some of the impact of term limits.

### *Second Green Presentation*

In his second presentation to the committee, on June 12, 2014, Dr. Green presented polling data related to term limits. Conducted by the Center for Marketing and Opinion Research for the Bliss Institute in April 2014, the “2014 Akron Buckeye Poll” surveyed a random sample of 1,078 registered Ohio voters, including both landline and cell phone users. Participants were asked whether they thought term limits produced poor government or good government and whether the limits have helped or hurt the state. The resulting data, with a margin of error of plus or minus three percentage points, indicates that 57 percent of those polled indicated they thought that term limits have helped the state, with 30 percent stating that the limits hurt the state and 13 percent having no opinion. These figures may be compared with 2005 polling data indicating that 59 percent of voters believed that term limits help the state, with 30 percent saying the limits hurt the state and 11 percent indicating they had no opinion.

Asked whether term limits should be kept at eight years, extended to 12 years, or repealed altogether, 70 percent of those polled favored keeping term limits at eight years, with 13 percent willing to extend the limits to 12 years, 12 percent agreeing that they should be repealed altogether, and five percent having no opinion. Queried as to whether they could accept an increase in the limit to 12 years, 38 percent of participants answered that they were firm on keeping the total number of years served at eight, with 32 percent willing to accept a 12-year limit, 13 percent being firm on a 12-year limit, 12 percent supporting a complete repeal of term limits, and five percent having no opinion.

Asked whether they would support increasing state legislative terms by two years, meaning that representatives would serve a four-year term and senators a six-year term, 61 percent of participants indicated they would support such a measure, with 36 percent indicating they would not and three percent having no opinion.

Sixty-two percent of participants stated that it should take a legislator less than five years to learn the job, while 28 percent said five-to-ten years was appropriate, seven percent identifying more than 10 years as the correct time span, and three percent having no opinion.

### *Henkener Presentation*

Ann Henkener, First Vice President of the League of Women Voters of Ohio (“League”), presented to the committee on July 10, 2014. According to Ms. Henkener, the League’s long opposition to term limits is based upon the rationale that terms are inherently limited to two years for representatives and four years for senators, requiring legislators to seek re-election at the end of those terms. Ms. Henkener asserted that the arguments against term limits as presented by the League to voters in 1992, when the current version of Article II, Section 2 appeared on the ballot, have proved mostly true. As she described them, those arguments are that term limits create more “lame duck” legislators, reduce competition for legislative seats, result in less-experienced legislators, reduce institutional memory, impede long-term thinking about societal problems, and increase the power of staff, bureaucrats, and lobbyists. Ms. Henkener opined that voters continue to support the concept of term limits because they are perceived as a counterbalance to problems attributed to the redistricting process. She stated that if redistricting reform occurs,

allowing for more competitive districts, then voters might look more favorably on extending term limits.

## Conclusion

The Legislative Branch and Executive Branch Committee concludes that Article II, Section 2 should be amended to expand term limits for state senators by one term, and for state representatives by two terms. The committee also concludes that these extensions should apply to legislators who are in office at the time of the effective date of an amendment, with the result that senators serving their first term would be eligible to hold office for two more four-year terms, while senators in their second term would be eligible for one additional four-year term. Likewise, representatives in their first term may hold office for five more two-year terms, those in their second term would be permitted four more two-year terms, and so on. The modified provision additionally would allow newly-elected legislators to be eligible to serve twelve consecutive years in their respective houses.

The committee also recommends that Article II, Section 2 be reorganized to first describe the length of term and term limits for state senators, followed by a description of the length of term and term limits for state representatives. This reorganization does not substantially change the meaning of the provision but is intended to assist the reader's comprehension of the meaning of the section. These proposed changes bring the format of the section in line with the structure of other sections in Article II.

Thus, the committee recommends Section 2 be amended as shown in Attachment A, which provides a marked-up version of the provision. Attachment B provides a clean version of Section 2, if the proposed amendment is adopted.

## Date Issued

After formal consideration by the Legislative Branch and Executive Branch Committee on March 12, 2015, and April 9, 2015, the committee voted to issue this report and recommendation on April 9, 2015.

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## Endnotes

<sup>1</sup> Steven H. Steinglass & Gino J. Scarselli, *The Ohio State Constitution*, 140 (2nd prtg. 2011).

<sup>2</sup> Michael F. Curtin, *Ohio Politics Almanac*, 83 (3<sup>rd</sup> ed. 2015).

<sup>3</sup> Steinglass & Scarselli, *supra*.

<sup>4</sup> Steven F. Huefner, *Term Limits in State Legislative Elections: Less Value for More Money?*, 79 Ind. L.J. 427, 428 (2004).

<sup>5</sup> Steinglass & Scarselli, *supra*, at 141.

<sup>6</sup> *Id.*, Appendix B.

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## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### REPORT AND RECOMMENDATION OF THE LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE

#### OHIO CONSTITUTION ARTICLE II, SECTION 2

#### ELECTION AND TERM OF STATE LEGISLATORS [OPTION TWO]

---

The Legislative Branch and Executive Branch Committee of the Ohio Constitutional Modernization Commission issues this report and recommendation regarding Article II, Section 2 of the Ohio Constitution concerning the election and term of state legislators. It is issued pursuant to Rule 8.2 of the Ohio Constitutional Modernization Commission's Rules of Procedure and Conduct.

#### **Recommendation**

*The committee 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 on 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.*

#### **Background**

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Senators shall be elected by the electors of the respective senate districts; their terms of office shall commence on the first day of January next after their election. All terms of senators which 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. No person shall hold the office of State Representative for a period longer than four successive terms of two years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1993 shall be considered in determining an individual's eligibility to hold office.

In determining the eligibility of an individual to hold office in accordance [with] 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 the time, if any, [in] which the individual previously held that office, and the time the 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.

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In the 1970s, the Ohio Constitutional Revision Commission did not review this provision.

## Litigation Involving the Provision

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allowing for more competitive districts, then voters might look more favorably on extending term limits.

## Conclusion

The Legislative Branch and Executive Branch Committee concludes that Article II, Section 2 should be amended to expand term limits for newly-elected state senators by one term, and for state representatives by two terms. The committee does not recommend extending term limits for current members of the General Assembly, who would be limited to eight consecutive years of service in their respective houses.

The committee also recommends that Article II, Section 2 be reorganized to first describe the length of term and term limits for state senators, followed by a description of the length of term and term limits for state representatives. This reorganization is intended to assist the reader's comprehension of the meaning of the section. The committee further recommends that the provision be reorganized to include a supplemental paragraph entitled "Effective Date and Repeal," consisting of a description of when the provision, if adopted, would take effect. The committee also recommends the inclusion of "Schedule 1," consisting of an explanation that the extended term limits contained in the revised provision will only apply to newly appointed or elected legislators. These proposed changes bring the format of the section in line with the structure of other sections in Article II.

Therefore, the committee recommends Section 2 be amended as shown in Attachment A, which provides a marked-up version of the provision. Attachment B provides a clean version of Section 2, if the proposed amendment is adopted.

## Date Issued

After formal consideration by the Legislative Branch and Executive Branch Committee on March 12, 2015, and April 9, 2015, the committee voted to issue this report and recommendation on April 9, 2015.

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## Endnotes

<sup>1</sup> Steven H. Steinglass & Gino J. Scarselli, *The Ohio State Constitution*, 140 (2nd prtg. 2011).

<sup>2</sup> Michael F. Curtin, *Ohio Politics Almanac*, 83 (3<sup>rd</sup> ed. 2015).

<sup>3</sup> Steinglass & Scarselli, *supra*.

<sup>4</sup> Steven F. Huefner, *Term Limits in State Legislative Elections: Less Value for More Money?*, 79 Ind. L.J. 427, 428 (2004).

<sup>5</sup> Steinglass & Scarselli, *supra*, at 141.

<sup>6</sup> *Id.*, Appendix B.

## Option Two

### *Article II, Section 2*

~~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 the electors of the respective Senate districts; ~~their~~ Their ~~terms~~ term of office of a senator shall commence on the first day of January ~~next after their following the election.~~ All terms of senators which 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 senator for a period longer than three successive terms of four years. Terms shall be considered successive unless separated by a period of four or more years.

Representatives shall be elected biennially by the electors of the respective House of Representative districts. The term of office of a representative shall commence on the first day of January following the election and continue two years. No person shall hold the office of representative for a period longer than six successive terms of two years. Terms shall be considered successive unless separated by a period of four or more years.

~~No person shall hold the office of State Senator for a period of longer than two successive terms of four years. No person shall hold the office of State Representative for a period longer than four successive terms of two years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1993 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~~ with 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 the time, if any, in which the individual previously held that office, and the time the 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.

### EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, Section 2 of Article II as amended by this proposal shall take effect on January 1, 2017, and existing Section 2 of Article II shall be repealed effective January 1, 2017.

SCHEDULE 1

The version of Section 2 of Article II in effect on December 31, 2016, shall apply to senators and representatives who are in office on that date.

The version of Section 2 of Article II as amended by this proposal shall first apply to senators and representatives who are appointed or elected on or after the effective date of this amendment and who are not in office on December 31, 2016.

## Option Two

### *Article II, Section 2*

Senators shall be elected by the electors of the respective Senate districts. The term of office of a senator shall commence on the first day of January following the election. All terms of senators which 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 senator for a period longer than three successive terms of four years. Terms shall be considered successive unless separated by a period of four or more years.

Representatives shall be elected biennially by the electors of the respective House of Representatives districts. The term of office of a representative shall commence on the first day of January following the election and continue two years. No person shall hold the office of representative for a period longer than six successive terms of two years. Terms shall be considered successive unless separated by a period of four or more years.

In determining the eligibility of an individual to hold office in accordance with 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 the time, if any, in which the individual previously held that office, and the time the 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.

### EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, Section 2 of Article II as amended by this proposal shall take effect on January 1, 2017, and existing Section 2 of Article II shall be repealed effective January 1, 2017.

### SCHEDULE 1

The version of Section 2 of Article II in effect on December 31, 2016 shall apply to senators and representatives who are in office on that date.

The version of Section 2 of Article II as amended by this proposal shall first apply to senators and representatives who are appointed or elected after the effective date of this amendment and who are not in office on December 31, 2016.



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

Larry L. Macon  
Rep. Nathan H. Manning  
Rep. Robert McColley



### **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, 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 (Quartermen 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 130<sup>th</sup> 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 Henkenner 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 two separate reports and recommendations for Article II, Section 2 (Term Limits). One version recommends extending term limits from eight years to 12 years, but only allowing newly-elected legislators to take advantage of the extension. The other version 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 \_\_\_\_ 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); 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 Funding)

Article I, Section 20 (Powers Reserved to the People);

Article V, Section 4 (Exclusion from Franchise for Felony Conviction)

Article II, Section 2 (Term Limits)

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.

## **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. Saphire, 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 130<sup>th</sup> 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);
- Article VI, Section 2 (School Funding);
- Article I, Section 20 (Powers Reserved to the People); and
- Article V, Section 4 (Exclusion from Franchise for Felony Conviction).

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# Finance, Taxation, and Economic Development Committee

## Planning Worksheet (Through November 2015 Meetings)

### Article VIII – Public Debt and Public Works

#### Sec. 1 – Public debt; limit of deficit spending by state (1851)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

#### Sec. 2 – State may incur debts for defense or to retire outstanding debts (1851)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

#### Sec. 2b – Adjusted compensation for service in World War II; World War II veterans' bonuses (1947)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

#### Sec. 2c – Construction of state highway system (1953)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2d – Korean War veterans’ bonus (1956)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2e – Providing means for securing funds for highway and public building construction (1955)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2f – Authorizing bond issue to provide school classrooms, support for universities, for recreation and conservation and for state buildings (1963)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2g – Authorizing bond issue or other obligations for highway construction (1964)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2h – Bond issue for state development (1965)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved



Sec. 2i – Capital improvement bonds (1968)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2j – Vietnam conflict compensation fund (1973)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2k – Issuance of bonds for local government public infrastructure capital improvements (1987)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2l – Parks, recreation, and natural resources project capital improvements (1993)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2m – Issuance of general obligations (1995)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2n – Facilities for system of common schools and facilities for state-supported and state-assisted institutions of higher education (1999)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2o – Issuance of bonds and other obligations for environmental conservation and revitalization purposes (2000)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2p – Issuance of bonds for economic and educational purposes and local government projects ((2005, 2010)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2q – Issuance of bonds for continuation of environmental revitalization and conservation (2008)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 2r – Persian Gulf, Afghanistan, and Iraq conflicts compensation fund (2009)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 3 – The state to create no other debt; exceptions (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 4 – Credit of state; the state shall not become joint owner or stockholder (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 5 – No assumption of debts by the state (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 6 – Counties, cities, towns, or townships, not authorized to become stockholders, etc.; insurance, etc. (1851, am. 1912)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 7 – Sinking fund (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 8 – The commissioners of the sinking fund (1851, am. 1947)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 9 – Biennial report of the sinking fund commissioners (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 10 – Application of sinking fund (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 11 – Semiannual report of sinking fund commissioners (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 13 – Economic development (1965, am. 1974)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 14 – Financing for housing program (1982)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 15 – State assistance to development of coal technology (1985)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 16 – State and political subdivisions to provide housing for individuals (1990)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 17 – Limitations on obligations state may issue (1999)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

## Article XII – Finance and Taxation

### Sec. 1 – Poll taxes prohibited (1851, am. 1912)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

### Sec. 2 – Limitation on tax rate; exemption (1851, am. 1906, 1912, 1918, 1929, 1933, 1970, 1974, 1990)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

### Sec. 2a – Authority to classify real estate for taxation; procedures (1980)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

### Sec. 3 – Imposition of taxes (1976)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 4 – Revenue to pay expenses and retire debts (1851, am. 1976)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 5 – Levying of taxes (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 5a – Use of motor vehicle license and fuel taxes restricted (1947)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 6 – No debt for internal improvement (1851, am. 1912)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 9 – Apportionment of income, estate, and inheritance taxes (1912, am. 1930, 1976)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 11 – Sinking fund (1912)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 13 – Wholesale taxes on foods (1994)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved



### Article XIII - Corporations

#### Sec. 1 – Special acts conferring corporate powers; prohibited (1851)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

#### Sec. 2 – Corporations, how formed (1851, am. 1912)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

#### Sec. 3 – Liability of stockholders for unpaid subscriptions; dues from corporations; how secured; inspection of private banks (1851, am. 1903, 1912, 1937)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

#### Sec. 4 – Corporate property subject to taxation (1851)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 5 – Corporate power of eminent domain to obtain rights of way; procedure; jury trial (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 6 – Organization of cities, etc. (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 7 – Acts authorizing associations with banking powers; referendum (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

## Bill of Rights and Voting Committee

### Planning Worksheet (Through November 2015 Meetings)

#### Article I – Bill of Rights (Select Provisions)

##### Sec. 1 – Inalienable Rights (1851)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

##### Sec. 2 – Right to alter, reform, or abolish government, and repeal special privileges (1851)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved
<b>Completed</b>	<b>12.11.14</b>	<b>2.12.15</b>	<b>2.12.15</b>	<b>3.12.15</b>	<b>4.9.15</b>	<b>6.11.15</b>	<b>6.11.15</b>

##### Sec. 3 – Right to assemble (1851)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved
<b>Completed</b>	<b>12.11.14</b>	<b>2.12.15</b>	<b>2.12.15</b>	<b>3.12.15</b>	<b>4.9.15</b>	<b>6.11.15</b>	<b>6.11.15</b>

##### Sec. 4 – Bearing arms; standing armies; military powers (1851)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved
<b>Completed</b>	<b>12.11.14</b>	<b>2.12.15</b>	<b>2.12.15</b>	<b>3.12.15</b>	<b>4.9.15</b>	<b>6.11.15</b>	<b>6.11.15</b>

Sec. 6 – Slavery and involuntary servitude (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved
<b>Started</b>							

Sec. 7 – Rights of conscience; education; the necessity of religion and knowledge (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 11 – Freedom of speech; of the press; of libels (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 13 – Quartering troops (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved
<b>Completed</b>	<b>4.9.15</b>	<b>6.11.15</b>	<b>6.11.15</b>	<b>7.9.15</b>	<b>9.10.15</b>	<b>10.8.15</b>	<b>10.8.15</b>

Sec. 17 – No hereditary privileges (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved
<b>Completed</b>	<b>4.9.15</b>	<b>6.11.15</b>	<b>6.11.15</b>	<b>7.9.15</b>	<b>9.10.15</b>	<b>10.8.15</b>	<b>10.8.15</b>

Sec. 18 – Suspension of laws (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 19 – Eminent domain (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 19b – Protect private property rights in ground water, lakes, and other watercourses (2008)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 20 – Powers reserved to the people (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved
<b>Completed</b>	<b>11.12.15</b>	<b>N/A</b>	<b>11.12.15</b>				

Sec. 21 – Preservation of the freedom to choose health care and health care coverage (2011)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

## Article V – Elective Franchise

### Sec. 1 – Who may vote (1851, am. 1923, 1957, 1970, 1976, 1977)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

### Sec. 2 – By ballot (1851)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

### Sec. 2a – Names of candidates on ballot (1949, am. 1975, 1976)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

### Sec. 4 – Exclusion from franchise (1851, am. 1976)

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved
<b>Completed</b>	<b>11.12.15</b>	<b>N/A</b>	<b>11.12.15</b>				

Sec. 6 – Idiots or insane persons (1851)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved
<b>Completed</b>	<b>9.10.15</b>						

Sec. 7 – Primary elections (1912, am. 1975)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 8 – Term limits for U.S. senators and representatives (1992)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

Sec. 9 – Eligibility of officeholders (1992)							
Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

**Article XVII – Elections**
**Sec. 1 – Time for holding elections; terms of office (1905, am. 1954, 1976)**

Draft Status	Committee 1 <sup>st</sup> Pres.	Committee 2 <sup>nd</sup> Pres.	Committee Approval	CC Approval	OCMC 1 <sup>st</sup> Pres.	OCMC 2 <sup>nd</sup> Pres.	OCMC Approved

**Sec. 2 – Filling vacancies in certain elective offices (1905, am. 1947, 1954, 1970, 1976)**




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## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### **2016 Meeting Dates (Tentative)**

January 14

February 11

March 10

April 14

May 12

June 9

July 14

August 11

September 8

October 13

November 10

December 8