



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

COORDINATING COMMITTEE

Thursday, December 11, 2014

9:00 am

Statehouse Room 114

Agenda

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
 - Meeting of October 9, 2014
- IV. Biennial Report
 - Review of draft biennial report
- V. Presentation
 - “Timeline for Proposed Constitutional Amendment”
Morgan A. Cheek
Legal Intern
J.D. Candidate, 2016
Moritz College of Law
Ohio State University
- VI. Adjourn



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

2013-2014
BIENNIAL REPORT

Issued December 11, 2014

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I. INTRODUCTION

This 2013-2014 Biennial Report (“Report”) of the Ohio Constitutional Modernization Commission (“Commission”) is issued pursuant to R.C. 103.66. A first biennial report on the work of the Commission was issued in December 2012.

The Commission was established in 2011 by enactment of Am. House Bill 188 by the Ohio General Assembly. All statutes enacted regarding the Commission are provided as Attachment A.

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

A Commission recommendation is void unless it receives a two-thirds vote of the membership of the Commission.

The Commission shall complete its work on or before July 1, 2021 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

Pursuant to 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.

The statute also requires that not later than the tenth day of January of even numbered years the twelve members shall meet, elect two co-chairpersons with one from each house of the General Assembly, and appoint 20 members who are not members of the General Assembly. In 2013, the members of the General Assembly elected Speaker William G. Batchelder and Representative Vernon Sykes as co-chairpersons of the Commission. In early 2014, the members of the General Assembly elected Speaker William G. Batchelder and Senator Charleta B. Tavares as co-chairpersons of the Commission.

The following individuals served on the Commission all or portions of 2013 and 2014.

Janet Gilligan Abaray	Larry L. Macon
Rep. Ron Amstutz	Frederick E. Mills
Herb Asher	Dennis P. Mulvihill
Speaker William G. Batchelder	Rep. Dennis Murray
Roger L. Beckett	Sen. Larry Obhof
Karla L. Bell	Sen. Bob Peterson
Paula Brooks	Chad A. Readler
Sen. Capri Cafaro	Joseph Rugola
Rep. Kathleen Clyde	Richard B. Saphire
Douglas R. Cole	Sen. Tom Sawyer
Sen. Bill Coley	Sen. Michael Skindell
Rep. Michael F. Curtin	Rep. Peter Stautberg
Jo Ann Davidson	Rep. Vernon Sykes
Sen. Keith Faber	Bob Taft
Patrick F. Fischer	Pierrette Talley
Judith French	Sen. Charleta B. Tavares
Edward L. Gilbert	Kathleen M. Trafford
Rep. Matt Huffman	Mark Wagoner
Jeff Jacobson	Richard Walinski
Charles F. Kurfess	Sen. Chris Widener

III. HIRING STAFF AND ESTABLISHMENT OF OFFICE

At its meeting on March 13, 2014, the Commission hired Steven C. Hollon as the Executive Director of the Commission. Mr. Hollon, who immediately prior to the acceptance of his position with the Commission had been the Administrative Director for the Ohio Supreme Court for fifteen years, began his duties on May 1, 2014.

Throughout the course of the next few months, Executive Director Hollon hired additional staff for the Commission and established permanent office space for its work. Effective June 30, 2014, Jennie I. Long began her duties as the Administrative Assistant for the Commission. On July 28, Attorney Shari L. O'Neill began her duties as Counsel to the Commission. Then, on August 18, 2014, Shaunte S. Russell became the Communications Director for the Commission.

Throughout the biennium Steven H. Steinglass, Dean Emeritus and Professor Emeritus at the Cleveland-Marshall College of Law, served as the Senior Policy Advisor to the Commission. In that role he provided research and guidance assistance to the Commission and its committees, both prior to and after the hiring of staff.

To accommodate staff, the Commission established an office on the 24th floor of the Riffe Center for Government and the Arts at 77 S. High St., Columbus, Ohio 43215.

The Commission also greatly benefited from the invaluable assistance of Lizz Lewis, Majority Policy Advisor in the Office of Speaker William G. Batchelder, throughout the biennium, most notably before the hiring of permanent Commission staff. Also instrumental in providing assistance to the Commission were Pavan V. Parikh, Chief Legal Counsel for the Senate Minority Caucus, Bethany E. Sanders, Deputy Legal Counsel & Policy Advisor for the Senate Minority Caucus, and Sarah A. Cherry, Legal Counsel for the House Minority Caucus.

The Commission also received assistance from various legislative aides during committee meetings including Emily Barker, Jenna Beadle, Antwan Booker, Rachael Carl, James Carmean, Maria Haberman, Trint Hatt, Abe Jacob, Andrew Krick, Madison Lisotto, Jenna Saponaro, Bevan Schneck, Chris Smith, and Brandi Wielgopolski as well as legal interns Morgan Cheek, Dare Heisterman, and Cody Weisbrodt from the Legislation Clinic at the Ohio State University Moritz College of Law, and Michael Hamper from the Ohio Northern University Pettit College of Law Clinical Externship Program.

IV. ADOPTION OF RULES OF PROCEDURE AND CONDUCT

After several months of review the Organization and Administration Committee chaired by Mark Wagoner recommended to the full Commission that it adopt Rules of Procedure and Conduct for the operation of the Commission.

The Commission formally adopted the rules at its meeting on September 11, 2014.

The rules, among other things, set forth the purpose of the Commission by repeating the statutory charge to the Commission, describe the aspirational ideals for members of the Commission, formally create four standing committees and six subject matter committees, and establish the procedure for completing the work of the Commission, including the adoption of reports and recommendations to the General Assembly regarding the Commission's review of the Ohio Constitution.

A complete copy of the 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 pursuant to 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 Revisions 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 with reviewing Article VI (Education), Article VII (Public Institutions), Article X (County and Township Organization), Article XV (Miscellaneous), and Article XVIII (Municipal Corporations), as well as topics related to school funding, home rule, and adjoining regionalization and economic development.

Committee Members

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

Committee members during the 2013-2014 biennium included Roger L. Beckett, Paula Brooks, Rep. Kathleen Clyde, Sen. Bill Coley, Sen. Keith Faber, Rep. Matt Huffman, Larry L. Macon, Joseph Rugola, Rep. Peter Stautberg, Rep. Vernon Sykes, Bob Taft, and Pierrette Talley.

Topics Reviewed

The committee began its work by considering topics of special concern to local governments, such as the potential impact of sharing governmental functions between state and local entities, and the challenges created by population changes and by conflict between state and local law. The committee then moved on to consider Article VI, Section 2, specifically focusing on the background and implication of the section's directive that the General Assembly "secure a thorough and efficient system of common schools throughout the state."

Speakers who appeared before the committee included John Barron, Deputy Executive Director and General Counsel of the Ohio Casino Control Commission ("CCC"), who provided an overview of the CCC; Gregory Trout, Chief Counsel for the Bureau of Criminal Identifications

and Investigations, who provided an overview of the Department of Rehabilitations and Correction; Stephen Wilson, Legislative Liaison to the Ohio Rehabilitation Services Commission (“RSC”), who provided an overview of the RSC; Lavea Brachman, Executive Director of the Greater Ohio Policy Center on Local Government Structure, Cost and Opportunities for Collaboration, who provided an overview of local government in Ohio; Attorney Eugene Kramer, Advisor to Summit and Cuyahoga counties on the creation of county charters, who presented on country and township organization and government; Professor Harold Babbit, Adjunct Professor of Local Government at Cleveland-Marshall College of Law, who discussed municipal corporations; Assistant Attorney General Kevin McIver, who presented on the interpretation of the local government sections of the Ohio Constitution; Paolo DeMaria, Principal at Education First, who presented information about fundamental concepts in education; Assistant Attorney General Reid T. Caryer, who provided the committee with an overview of the function of the Attorney General’s education section; Richard C. Lewis, Executive Director of the Ohio School Boards Association, who spoke regarding challenges and opportunities facing public education in Ohio; Professor Charlie Wilson, Professor Emeritus at The Ohio State University Moritz College of Law, who presented multiple times regarding public education in Ohio; Malcolm Costa, President and CEO of Akron Summit Community Action, Inc., who provided information to the committee about Head Start programs; Allyson Lee, Head Start Director for Akron Summit Community Action, Inc., who described the purpose and function of Head Start programs; William J. Sims, President and CEO of Ohio Alliance for Public Charter Schools, who discussed special education and Individualized Education Plans (IEP’s); William J. Phillis, Executive Director of Ohio Coalition for Equity and Adequacy of School Funding, who presented background information on common schools and funding; Attorney Nicholas Pittner of the law firm of Bricker & Eckler, who presented information about the *DeRolph* cases, as well as information about common schools and funding; Robert Alt, President and CEO of The Buckeye Institute for Public Policy Solutions, who spoke regarding policy and issues related to education in Ohio; Justice Paul E. Pfeifer of the Ohio Supreme Court, who provided an overview of the thorough and efficient clause in Article VI, Section 2 of the Ohio Constitution; and Robert R. Cupp, Chief Legal Counsel for the Ohio Auditor of State, who provided background information and an overview of Article VI, Section 1, relating to school and ministerial lands.

Reports and Recommendations

By December 2014, the Education, Public Institutions, and Local Government Committee was reaching a conclusion of its discussion of the “thorough and efficient” clause, with a goal of preparing a Report and Recommendation on Article VI, Section 2 in early 2015.

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 intrastate economic development.

Committee Members

Douglas R. Cole chaired the committee during the 2013-2014 biennium, with Karla L. Bell serving as vice-chair.

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

Topics Reviewed

During the 2013-2014 biennium, the committee focused on several different concepts related to state finance, taxation, debt, and economic development. The committee considered the question of what the state's role should be in encouraging economic development through funding of private enterprise, the impact of tax preferences and other tax-related considerations on state financing and economic growth, and how the state addresses debt.

Speakers who appeared before the committee included Squire Sanders Attorney Gregory W. Stype, and Ohio Office of Budget and Management Deputy Director of Budget Management Kurt Kauffman, who jointly presented on the topic of the state debt, including limitations on debt, debt authorizations, and sinking fund provisions. Also presenting to the committee were Thomas M. Zaino and Joanne Limbach, both former Ohio Tax Commissioners, who spoke about the background of and issues related to the tax provisions in the Ohio Constitution. The committee also heard from Scott J. Ziance, a tax attorney with the Vorys law firm, who discussed the history of economic development in Ohio, particularly on the expansion of state and local government and sections of Article VIII that apply to state economic development. Lisa Patt-McDaniel, former director of the Ohio Department of Development, spoke to the committee as an advocate for maximizing the state's flexibility in financing and for adopting other changes that would encourage state economic growth. Paul L. Toth, Jr., who is president and CEO of the Toledo-Lucas County Port Authority, described to the committee the history of his company and its public-private nature, emphasizing how such hybrid entities can benefit Ohio's economy. Professor Dale A. Oesterle, of the Ohio State University Moritz College of Law presented to the committee on the topic of public-private partnerships, emphasizing that, with appropriate limitations, government may encourage economic development through the funding of private enterprise. Additional presenters included Seth Metcalf, who is Deputy Treasurer and Executive Counsel of the Ohio Treasurer's Office, who discussed the Sinking Fund Commission; and Jon Honeck, Director of Public Policy and Advocacy of the Center for Community Solutions, who spoke regarding Ohio's system for granting tax credits and other types of tax preferences, and how that system might be revised.

Reports and Recommendations

The Finance, Taxation, and Economic Development Committee did not forward any Reports and Recommendations to the Commission during this biennium. The committee will continue to

discuss and work toward recommending changes to the existing constitutional provisions relating to state finance, taxation, and economic development.

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 the 2013-2014 biennium, with Patrick F. Fischer serving as vice-chair.

Members of the committee during this biennium included Speaker William G. Batchelder, Rep. Michael F. Curtin, Judith French, Jeff Jacobson, Charles F. Kurfess, Dennis P. Mulvihill, Rep. Dennis Murray, Sen. Larry Obhof, Richard B. Saphire, Sen. Michael Skindell, Mark Wagoner, and Richard Walinski.

Topics Reviewed

The Judicial Branch and Administration of Justice Committee devoted much of the biennium to considering problems and issues relevant to Ohio's current method of electing judges, considering whether adopting an appointive system might improve the quality of the judiciary and eliminate some perceived problems with judicial elections. The committee also considered whether two constitutional provisions, Article IV, Sections 19 and 22, were obsolete and should be recommended for repeal. Finally, the committee began consideration of a proposal to allow the Ohio Supreme Court to take original jurisdiction over actions for declaratory judgment in cases of public or great general interest.

Presentations to the committee included Attorney Mary Jane Trapp, of Counsel to the law firm of Thrasher, Dinsmore & Dolan, who discussed the history of the Ohio Constitutional Convention; Steven C. Hollon, Administrative Director of the Ohio Supreme Court, who spoke regarding various Court programs and initiatives as they relate to the Court's constitutional authority under Article IV; John Van Norman, Policy and Research Counsel for the Ohio Supreme Court, who discussed term limits for judges; Nancy G. Brown of the League of Women Voters, who addressed problems related to the politics of judicial elections; Professor Michael E. Solimine, from the University of Cincinnati College of Law, who advocated for an appointive, rather than an elective, process for judicial selection; Political Science Professor John Dinan of Wake Forest University's Department of Politics and International Affairs; Jo Ellen Cline, Government Relations Counsel for the Ohio Supreme Court, who spoke to the committee regarding the obsolescence of Article IV, Section 19 (providing for Courts of Conciliation), and Section 22 (providing for the creation of a Supreme Court Commission); William Weisenberg, Policy Advisor and Consultant to the Ohio State Bar Association, who proposed improvements for

Ohio's judicial election system and gave a background on the 1970s Constitutional Revision Commission; and Ohio Supreme Court Justice Paul E. Pfeifer, who advocated for the expansion of the Supreme Court's constitutional jurisdiction to include original actions for declaratory judgment.

Reports and Recommendations

The Judicial Branch and the Administration of Justice Committee reached a consensus that Article IV, Sections 19 and 22, should be repealed as obsolete. At its November 2014 meeting, the committee took its first vote to approve a Report and Recommendation relating to Article IV, Section 19, and a Report and Recommendation on Article IV, Section 22, both of which recommend repeal of those sections. The committee will further consider those Reports and Recommendations in early 2015. If approved, the recommendation that those sections be repealed will be forwarded to the Commission for its consideration.

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 during 2013 and 2014. The vice-chair was Justice Judith French in 2013, with Jeff Jacobson being appointed to the Commission in her place and serving as vice-chair beginning January 22, 2014.

Individuals who served on the committee during 2013-2014 were Rep. Ron Amstutz, Karla L. Bell, Rep. Kathleen Clyde, Douglas R. Cole, Patrick F. Fischer, Edward L. Gilbert, Sen. Bob Peterson, Sen. Michael Skindell, and Sen. Chris Widener.

Topics Reviewed

During this biennium, the Bill of Rights and Voting Committee reviewed Article I, Sections 2, 3, 4, 6, 7, 13, 17, and 20, as well as Article V, Sections 2, 2a, 4, 6, 7, 8, and 9. This review resulted in a preliminary consensus to retain Article I, Section 2 (Right to Alter, Reform, or Abolish

Government, and Repeal Special Privileges), Section 3 (Right to Assemble), Section 4 (Right to Bear Arms), Section 6 (Slavery and Involuntary Servitude), Section 13 (Quartering Troops), Section 17 (No Hereditary Privileges), and Section 20 (Powers Reserved to the People).

With regard to Article V, the committee addressed Sections 2 (Elections by Ballot), 2a (Names of Candidates on Ballot), and 7 (Primary Elections), preliminarily agreeing that Sections 2 and 2a should be retained in their current form. The committee deferred discussion of Section 7 to a future meeting. Although the committee began to review Sections 8 and 9, those sections ultimately were ceded to the Legislative Branch and Executive Branch Committee for consideration. The committee also began a review of Article V, Section 4, relating to the disenfranchisement of persons convicted of felony crimes, and Section 6, relating to the disenfranchisement of “idiots” or “insane persons.”

Speakers who appeared before the committee included Rep. Alicia Reece, President of the Ohio Legislative Black Caucus, who advocated for adoption of a Voter’s Bill of Rights; Professor Edward B. Foley of the Moritz College of Law at The Ohio State University, who presented on the virtues and problems associated with the constitutionalization of voting rights and the administration of voting systems; Political Science Professor John Dinan of Wake Forest University’s Department of Politics and International Affairs, who discussed voting rights and election law; Professor Douglas A. Berman, of the Moritz College of Law at the Ohio State University, who presented on the topic of felon disenfranchisement; and Michael Kirkman, Executive Director of Ohio Disability Rights Law and Policy Center (Disability Rights Ohio), who spoke regarding voting rights for the mentally impaired.

Reports and Recommendations

In December 2014, the committee was presented with Reports and Recommendations related to the committee’s desire to retain Article I, Sections 2, 3, and 4 in their present form, and held a first hearing in preparation for approving the Reports and Recommendations and passing them along for review by the full Commission.

Constitutional Revisions and Updating Committee

Charge

The Constitutional Revisions 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.

Committee Members

Dennis P. Mulvihill chaired the committee during 2013 and 2014. The vice-chair was Charles F. Kurfess.

Individuals who served on the committee during 2013-2014 were Janet Gilligan Abaray, Herb Asher, Speaker William G. Batchelder, Roger L. Beckett, Sen. Capri Cafaro, Rep. Michael F. Curtin, Rep. Dennis Murray, Sen. Larry Obhof, Chad A. Readler, Sen. Tom Sawyer, Mark Wagoner, and Richard Walinski.

Topics Reviewed

The Constitutional Revisions and Updating Committee began its work by focusing on the existing initiative provisions that allow citizens directly to seek voter approval for new laws and constitutional amendments. The committee also reviewed similar existing referendum provisions that allow citizens to use the ballot to defeat existing laws or constitutional amendments. The primary question before the committee on this topic was 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.

Speakers who appeared before the committee included Assistant Attorney General Richard Coglianesse, who presented an overview of the role of the office of the Attorney General in the initiative and referendum process; Elizabeth Luper Schuster, Chief Elections Counsel for the Office of the Ohio Secretary of State, who presented an overview of the role of the Secretary of State in placing initiatives and referenda on the ballot as well as a statistical history of voter response to initiatives and referenda; Richard T. Robol, a member of the Ohio Delegation of Independent Voters, who advocated changes to Ohio's primary system; Maurice A. Thompson, Executive Director of the 1851 Center for Constitutional Law, who presented proposals for improving the initiative and referendum process; Donald J. McTigue, an attorney with McTigue & McGinnis, LLC, who advocated for constitutional changes that would make it easier for citizens to utilize the initiative and referendum process; Scott J. Tillman, National Field Director for Citizens in Charge, whose testimony echoed Mr. McTigue's concerns about overburdening citizens seeking to use the initiative and referendum process; Stanford University Professor of Political Science Bruce E. Cain, who appeared via videoconference, and discussed comparisons between initiative and referendum procedures in Ohio and California; Political Science Professor John Dinan of Wake Forest University's Department of Politics and International Affairs, who discussed procedures for encouraging initiated laws as opposed to initiated amendments; and Peg Rosenfield, who suggested methods for encouraging the use of initiated statutes rather than initiated amendments.

Reports and Recommendations

The committee will continue to discuss potential changes to the existing constitutional provisions governing the initiative and referendum process. The committee did vote to request a draft amendment from the Ohio Legislative Service Commission (“LSC”) that would reduce the geographic signature requirement for the initiated statute process from 44 counties to 22 counties and would require a two-thirds vote from the legislature for a period of five years in order for an initiated statute to be changed or repealed. The requested draft was provided by LSC for the committee’s consideration; however, as of December 2014, the committee was continuing to discuss the topic and had not reached a conclusion about whether to recommend the proposal to the full Commission.

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 during 2013-2014, while Paula Brooks acted as vice-chair.

Committee members during this biennium included Sen. Bill Coley, Jo Ann Davidson, Sen. Keith Faber, Rep. Matt Huffman, Larry L. Macon, Joseph Rugola, Rep. Peter Stautberg, Rep. Vernon Sykes, Bob Taft, Pierrette Talley, Sen. Charleta B. Tavares, and Kathleen M. Trafford.

Topics Reviewed

In 2013-2014, the committee primarily addressed the topic of legislative redistricting, both in relation to plans for how Ohio draws districts for members of the General Assembly (also referred to as apportionment under Article XI of the Ohio Constitution), and plans for how Ohio sets congressional districts for United States Representatives and Senators, provision for which is not currently part of the Ohio Constitution. The committee also began discussion of the question of term limits for Ohio legislators, as provided for in Article II, Section 2, and considered whether it would be advisable to lengthen term limits for state representatives from the current limit of four two-year terms to six two-year terms, and to lengthen term limits for state senators from the current limit of two four-year terms to three four-year terms.

Speakers who appeared before the committee included Ohio State University Political Science Professor Emeritus Paul A. Beck, and Ohio State University Moritz College of Law Professors David Stebenne and Edward B. Foley, all three of whom participated in a panel discussion in which they discussed the history of and considerations relating to the redistricting/apportionment issue. The committee also heard testimony regarding redistricting from Ann Henkener of the League of Women Voters of Ohio, Ohio State University Political Science Professor Emeritus

Richard Gunther, Political Science Professor Thomas L. Brunell of the University of Texas at Dallas, Political Science Professor John Dinan of Wake Forest University's Department of Politics and International Affairs, and Professor John Green, Director of the Ray C. Bliss Institute of Applied Politics at the University of Akron. The committee also was assisted by a presentation by Lynda Jacobsen of the Ohio Legislative Service Commission relating to the guiding principles of redistricting and apportionment.

Reports and Recommendations

The conclusion of 2014 saw renewed efforts in the General Assembly to independently adopt a joint resolution regarding redistricting that would submit the issue to voters without involvement of the Ohio Constitutional Modernization Commission. Depending on whatever action the General Assembly may take on this issue, the Legislative Branch and Executive Branch Committee may be called upon to further review this topic and submit a Report and Recommendation to the General Assembly in 2015.

VI. STANDING COMMITTEES

The Commission has also organized 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

Pursuant to 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

Richard Walinski, Douglas R. Cole, and Mark Wagoner successively served as Chairs to this committee during the 2013-2014 biennium. Vice Chairs were Joseph Rugola, followed by Pierrette Talley.

Individuals who served on the committee during 2013-2014 were Speaker William G. Batchelder, Paula Brooks, Sen. Capri Cafaro, Rep. Kathleen Clyde, Douglas R. Cole, Sen. Bill Coley, Sen. Keith Faber, Charles F. Kurfess, and Sen. Larry Obhof.

Topics Reviewed

The principal focus of the Organization and Administration Committee in the biennium was the hiring of staff. As noted in Section III above, the Organization and Administration Committee provided oversight to the hiring of the Commission's Executive Director Steven C. Hollon, Counsel to the Commission Shari W. O'Neill, Communications Director Shaunte Russell, and Administrative Assistant Jennie Long.

The committee provided oversight and guidance in the drafting of the Commission's Rules of Procedure and Conduct which were adopted on September 11, 2014 and which are set out in more detail in Section IV above.

Coordinating Committee

Charge

Pursuant to 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 of the Coordinating Committee during the 2013-2014 biennium, with Jo Ann Davidson serving as vice-chair.

Committee members during this biennium included Janet Gilligan Abaray, Speaker William G. Batchelder, Sen. Bill Coley, Patrick F. Fischer, Dennis P. Mulvihill, Sen. Larry Obhof, and Rep. Vernon Sykes.

Topics Reviewed

The Coordinating Committee assigned or re-assigned additional topics to the subject matter committees with the consent of the committee chairs, and considered methods for accommodating review of obsolete provisions.

The committee also approved a template for reports and recommendations that will provide a formal vehicle by which each subject matter committee will report on its review of the Constitutional provisions which it has been assigned.

The committee also was responsible for working with staff in preparing this 2013-2014 Biennial Report.

Public Education and Information Committee

Charge

Pursuant to 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, with Larry L. Macon serving as vice-chair.

Committee members during this biennium included Rep. Michael F. Curtin, Judith French, Jeff Jacobson, Rep. Dennis Murray, Sen. Bob Peterson, Chad A. Readler, Richard B. Sapphire, Sen. Tom Sawyer, Sen. Charleta B. Tavares, and Sen. Chris Widener.

Topics Reviewed

The Public Education and Information Committee was primarily concerned with the development of a communications plan for informing the public of the important work of the Commission. In this regard, the committee worked with Shaunte Russell, the Communications Director for the Commission.

The committees meetings were held in joint sessions with the Liaisons with Public Offices Committee.

Liaisons with Public Offices Committee

Charge

Pursuant to 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 chairman during the 2013-2014 biennium, with Bob Taft serving as vice-chair.

Committee members were: Rep. Ron Amstutz, Karla L. Bell, Edward L. Gilbert, Rep. Matt Huffman, Frederick E. Mills, Sen. Michael Skindell, and Rep. Peter Stautberg.

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. PRESENTATIONS TO THE FULL COMMISSION

During the 2013-2014 biennium, the Commission heard presentations from Ohio Supreme Court Chief Justice Maureen O'Connor, Ohio Secretary of State John Husted, and Political Science Professor John Dinan of Wake Forest University's Department of Politics and International Affairs.



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

OCMC Proposed Constitutional Amendment Timeline

TO: Shari L. O'Neill, Counsel to the Commission

FROM: Morgan Cheek, Legal Intern

DATE: December 11, 2014

RE: Timeline for Constitutional Amendments Proposed by OCMC

I. Ohio Constitutional Modernization Commission Vote

During full commission meetings, the OCMC will accept recommendations for amendments from individual committees and vote on whether or not to present the recommendation to the General Assembly.¹ A recommendation is void unless it receives a two-thirds vote of the membership of the commission.²

II. Determine Sponsors

After the full commission votes to present the recommendation to the General Assembly, sponsor(s) of the amendment will need to be determined. These sponsors will eventually present the amendment as a joint resolution to each of their respective houses of the General Assembly.³

III. Legislative Service Commission

Sponsor(s) will provide amendment language to the Legislative Service Commission (LSC), which will then review the language of the potential amendment.⁴

IV. Present to General Assembly as a Joint Resolution

Sponsor(s) will present the amendment as a joint resolution to their respective houses of the General Assembly.⁵ Per Article XVI, § 1 either branch of the General Assembly may propose amendments to the constitution, but the proposed amendment must be approved by at least a three-fifths vote of the members of each house.

¹ Ohio Revised Code § 103.61

² *Id.*

³ Ohio Legislative Service Commission, *A Guidebook for Ohio Legislators* 47 (13th ed. 2013).

⁴ Ohio Revised Code § 103.13

⁵ Ohio Legislative Service Commission, *A Guidebook for Ohio Legislators* 47 (13th ed. 2013).

V. Submit Language to Secretary of State

Any proposed amendment shall be entered on the journals, with the yeas and nays, and must be filed with the secretary of state at least ninety days before the date of the election at which the amendment will be submitted to the voters.⁶

VI. Secretary of State Submits the Joint Resolution to the Ballot Board

Per Article XVI, § 1, the Secretary of State submits the proposed amendment to the Ballot Board, which prescribes the ballot language and explanation for the proposed amendment and certifies them to the Secretary of State no later than 75 days before the election.

VII. Publish to the Public

Per Article XVI, § 1, proposed amendments, ballot language, an explanation and any arguments prepared by the OBB must be published in a newspaper of general circulation in every county once a week for three consecutive weeks before the election.⁷

VIII. Potential for Challenges

Per Article XVI, § 1, the Supreme Court of Ohio has original jurisdiction over any challenge to a ballot proposal as long as the challenge is made no later than 64 days before the election.

IX. Election

Elections on amendments proposed by the legislature can take place on general election days or special election days.⁸ To be adopted, the amendment must pass by a simple majority vote on the amendment itself.⁹

⁶ O.H. Const. art. XVI

⁷ See generally <http://www.sos.state.oh.us/sos/upload/ballotboard/2012/2012stateissues.pdf> (providing a sample of the newspaper insert prepared by the Secretary of State).

⁸ O.H. Const. art. XVI, § 1

⁹ *Id.*

OCMC Recommended Constitutional Amendment Timeline

