



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

Legislative Branch and Executive Branch Committee

Frederick E. Mills, Chair
Paula Brooks, Vice-chair

May 11, 2017

Ohio Statehouse
Room 018

OCMC Legislative Branch and Executive Branch Committee

Chair Mr. Fred Mills

Vice-chair Ms. Paula Brooks

Mr. Herb Asher

Sen. Bill Coley

Rep. Hearcel Craig

Ms. Jo Ann Davidson

Rep. Robert McColley

Gov. Bob Taft

Ms. Petee Talley

Sen. Charleta Tavares

Ms. Kathleen Trafford



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION
LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE

THURSDAY, MAY 11, 2017
11:00 A.M.
OHIO STATEHOUSE ROOM 018

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
 - Meeting of March 9, 2017
 - [Draft Minutes – attached]*
- IV. Presentations and Discussion
 - Congressional Redistricting Reform
 - The committee will hear a presentation regarding a citizen’s initiative to amend the constitution to include a provision relating to Congressional redistricting.
- V. Next Steps
 - The committee chair will lead discussion regarding the committee’s informal recommendations for the sections remaining for review.
 - [Summary of Sections in Article III (The Executive Branch) - attached]*
 - [“Grouping of Article II Sections by Topic for Review by Committee” – attached]*
 - [Planning Worksheet – attached]*

- VI. Old Business
- VII. New Business
- VIII. Public Comment
- IX. Adjourn



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE FOR THE MEETING HELD THURSDAY, MARCH 9, 2017

Call to Order:

Committee member Robert Taft, acting on behalf of Chair Fred Mills, called the meeting of the Legislative Branch and Executive Branch Committee to order at 9:40 a.m.

Members Present:

A quorum was present, with Gov. Taft and committee members Asher, Coley, Davidson, McColley, and Tavares in attendance. At the invitation of the chair, Representative Glenn Holmes participated as an ex officio non-voting member of the committee.

Approval of Minutes:

The minutes of the January 12, 2017 and February 9, 2017 meetings of the committee were approved.

The committee also approved corrected minutes from November 2015 and November 2016. In introducing the corrections, Shari L. O'Neill, interim executive director and counsel, described that both sets of minutes required correction in order to more accurately reflect statements by two guest speakers: Attorney John Kulewicz, who spoke in November 2015 on the topic of the one-subject rule in Article II, Section 15(D); and Professor Steven F. Huefner, who spoke in November 2016 on the topic of the legislative privilege. She said, in the case of Mr. Kulewicz, the minutes had incorrectly recorded that Ohio exempts appropriations bills from application of the one-subject rule, when, in fact, Ohio does not exempt appropriations bills from the rule. She described that, in the case of the comments of Prof. Huefner, the minutes had inaccurately described the relevance of *City of Dublin v. State*, 138 Ohio App.3d 753, 742 N.E.2d 232 (10th Dist. 2000), and so the revised minutes removed that reference.

Reports and Recommendations:

Article II, Sections 10 and 12 (Rights and Privileges of Members of the General Assembly)

Gov. Taft recognized Ms. O'Neill for the purpose of providing a first presentation on a report and recommendation for no change to Article II, Sections 10 and 12, which govern the rights and privileges of members of the General Assembly.

Ms. O'Neill said the report describes that Section 10 provides a right of legislative members to protest, and to have their objections recorded in the journal. Discussing the history of Section 10, the report indicates the right of protest has its origins in the House of Lords of the British Parliament, where the right of written dissent was recognized as a privilege of the upper house, and that recording the dissent in the house journal was the minority's recognized method of registering political objection. Ms. O'Neill continued that the report indicates there is no similar provision in the United States Constitution, although dissents in Congress are preserved by the publication of debates in the Congressional Record.

Discussing Section 12, Ms. O'Neill said the report and recommendation indicates that the idea that legislative representatives must be able to freely engage in debate, consult with staff and constituents, and travel to and from legislative session without hindrance, was challenged in 17th century England when the Crown and Parliament clashed over their competing roles. The report describes that the "freedom of speech and debates" for parliamentary members in England subsequently was included in the English Bill of Rights of 1689, and was accepted as a necessary democratic protection by the time the U.S. Constitution was drafted to include a speech or debate provision in Article I, Section 6, Clause 1. The report indicates nearly all states adopted constitutional provisions that protect legislative speech or debate.

Ms. O'Neill said the report describes the review of the 1970s Commission, indicating a committee of that group had concluded that because dissenting legislators now have the ability to publicize their views in the news media, the protest provision is "an anachronism and appropriate for removal." She said, nevertheless, that view was not adopted by the full Commission, and so the right of protest remains. She said the report documents that the 1970s Commission did not address Section 12, thus, it also remains in its 1851 form.

Ms. O'Neill said the report and recommendation describes litigation involving the provisions, as well as presentations by former Executive Director Steven C. Hollon, Commission Counsel Shari O'Neill, Ohio State University Moritz College of Law Professor Steve Huefner, and Assistant Attorneys General Sarah Pierce and Bridget Coontz.

She said the report and recommendation indicates the committee considered research indicating that most states protect the right to protest as well as providing a legislative privilege against having to answer in court or other places for words undertaken in the furtherance of the legislator's official duties. The report documents the committee's view that the right of protest should be retained because the section still has relevance despite the proliferation of multiple media and internet news outlets. She said the report states the committee's determination that, because the journal is the official record of the business of the General Assembly, and the member filing the protest can directly control the message being communicated, it is important to retain that right.

Ms. O'Neill said the report describes the committee's conclusion that Section 12 should be retained because legislative privilege helps to maintain the separation of powers, and acknowledges the views of some of the committee that legislators are acting on behalf of citizens and should, as much as possible; maintain transparency as they conduct their duties. Addressing the confidentiality of communications between legislators and legislative staff, she said the report indicates that the privilege allows legislators to effectively perform their role.

Thus, she said the report and recommendation indicates the Legislative Branch and Executive Branch Committee's conclusion that Article II, Sections 10 and 12 continue to serve the General Assembly and should be retained in their present form.

Gov. Taft asked if there were comments from the audience. There being none, he asked if the committee wished to discuss the report and recommendation. Senator Bill Coley said it is his preference to leave the sections in their present form, as they seem to be working well. Senator Charleta Tavares said she agrees with that conclusion. Gov. Taft added that the privilege has been upheld by the courts, and there does not appear to be a problem with the current provisions. He then asked for a motion to issue the report and recommendation.

Sen. Tavares moved to issue the report and recommendation for Article II, Sections 10 and 12, and committee member Jo Ann Davidson seconded the motion. A roll call vote was taken, and the motion passed unanimously.

Presentations and Discussion:

Gov. Taft continued to recognize Ms. O'Neill for the purpose of providing an introduction to a draft report and recommendation for Article II, Sections 15, 16, 26, and 28, relating to the manner in which the General Assembly enacts laws.

Ms. O'Neill said the report and recommendation indicates these sections provide the requirement for the governor's signature, how laws are to be applied, and restrictions for their enactment. She said the sections were subject to several proposals for change since 1851, but only a few amendments have been approved by the electorate.

She continued that the report indicates that Section 15, adopted in 1973, details how bills shall be passed in the General Assembly, including requirements relating to the style of the laws, the one subject rule, and signing by the presiding officer. She noted the report's discussion of Section 16, adopted in 1851 and amended in 1903, 1912, and 1973, which details the requirements for the governor's signature on bills, the veto of bills, veto overrides by the General Assembly, and bills becoming law without the governor's signature.

Ms. O'Neill said the report and recommendation also discusses Section 26, unchanged since 1851, which states that laws of a general nature will have uniform operation throughout the state, and prohibits laws from taking effect on approval of an authority other than the General Assembly, except as provided in the constitution.

She added the report covers Section 28, which is unchanged since 1851, and states that the General Assembly shall have no power to pass retroactive laws or laws impairing the obligation of contracts.

Ms. O'Neill said the report outlines the activities of the Constitutional Revision Commission in the 1970s in relation to these sections, indicating that Section 15 of the 1851 constitution was repealed and replaced in the 1970s to consolidate multiple sections of Article II. She said the report continues that Sections 16, 26, and 28 all date to the 1851 constitution, with Section 16 being amended in the early 1900s before undergoing revision in the 1970s as part of the effort to consolidate sections of Article II.

She said the report extensively details the recommendations and changes in the 1970s before describing the limited case law relating to Sections 16, 26, and 28, and the plethora of case law dealing with Section 15, specifically 15(D), the one-subject rule. Ms. O'Neill said the report will be completed once the committee determines what, if any, changes it would like to recommend.

Gov. Taft asked the committee if it had any comments regarding the report, and whether the committee felt that more testimony or research on any of the topics, particularly the one-subject rule, would be useful.

Ms. Davidson said she would be interested in a report on challenges to the one subject rule, specifically on topics that were the source of a challenge.

Regarding Section 26, Sen. Coley commented that litigation dealing with home rule issues, specifically the use of "red light" cameras, involves Section 26, and that he would like to see a presentation on that topic.

With regard to Section 16, which provides for a line-item veto, Gov. Taft commented that, in some states, governors have the authority not only to strike items from the budget, but to reduce some items in the budget. He said he is not proposing that change, but it was discussed in the 1970s.

Gov. Taft asked whether Section 28, relating to retroactive laws, has been subject to litigation or controversy. Sen. Coley said to his knowledge there were two occasions when that issue arose, the first involving a bill related to priest abuse, and the other was relating to the Joint Committee on Agency Rule Review (JCARR) process, in which the administration was trying to impose a rule that was seen to have a retroactive effect.

Gov. Taft wondered about the portion of Section 28 that allows the legislature to adopt laws to authorize courts to cure defects and errors in instruments that do not comply with the laws of the state. He said he would like to know if there actually have been laws passed by the General Assembly that authorize courts to cure omissions and errors. Ms. O'Neill said research could be provided on that question.

Sen. Coley commented that the issue sometimes arises under the Uniform Commercial Code, where the law fills in areas where a contract is silent.

There being no further comments, Gov. Taft indicated the committee would hear testimony and have additional research available at the next meeting.

Turning to the question of the next topics for review, Gov. Taft drew attention to a document grouping the sections of Article III, related to the executive branch. He said the three sections

relate to the office of the governor and offices of the executive branch, the privileges and duties of the office of the governor, and eligibility for office and filling vacancies.

Mr. Asher noted a concern about whether the constitution requires gubernatorial appointments to be electors of the state, wondering if the committee could address that question. Sen. Coley suggested that Section 21, allowing the requirement that appointments be subject to the advice and consent of the Senate to be altered or repealed by law, might relate to Mr. Asher's question. Mr. Asher requested that research be provided on this topic.

Gov. Taft suggested that the committee might hear a first presentation on a report and recommendation for "Group I" of the executive branch sections, specifically Article III, Sections 1, 1a, 1b, 2, 3, 18, 19, 20, and 21 (The Office of the Governor and Officers of the Executive Branch).

Ms. O'Neill noted other issues for the committee to consider, including Article V, Section 9 (Eligibility of Officeholders), and Section 8 (Term Limits for U.S. Senators and Representatives). She said the question with regard to Section 8 is whether it should be repealed because a United States Supreme Court decision had declared it unenforceable.

Ms. O'Neill indicated the committee also was assigned Article IX, relating to the militia, and Article XI, relating to apportionment and redistricting.

Ms. O'Neill asked whether the committee would be amenable to meeting in tandem with the Bill of Rights and Voting Committee to consider the issue of prison labor as it may be affected by Article I, Section 6 (Slavery and Involuntary Servitude), and Article II, Section 41 (Prison Labor). The committee agreed that meeting jointly would allow the two committees to hear the same testimony and to address the issue in a cooperative manner. Ms. O'Neill said staff would try to set up a joint meeting.

Ms. O'Neill indicated the committee received a handout consisting of a new Congressional redistricting joint resolution introduced by Senator Frank LaRose. She said because this is a topic the committee has been addressing, staff wished to provide a copy of the legislation in order to keep the committee up-to-date on that issue.

Gov. Taft announced that the committee approved reports and recommendations for several sections of Article II, and that these reports will be a topic at the full Commission meeting later in the day. Specifically, he said, the committee voted to issue a report and recommendation for no change to Article II, Sections 3, 4, 5, and 11 (Member Qualifications and Vacancies in the General Assembly), and for no change to Article II, Sections 6, 7, 8, 9, 13, and 14 (Conducting Business of the General Assembly). He said, because the committee just voted to issue the report and recommendation for Article II, Sections 10 and 12 (Rights and Privileges of Members of the General Assembly), that report also would be presented to the full Commission.

Adjournment:

There being no further business to come before the committee, the meeting was adjourned at 10:20 a.m.

Approval:

The minutes of the March 9, 2017 meeting of the Legislative Branch and Executive Branch Committee were approved at the May 11, 2017 meeting of the committee.

Frederick E. Mills, Chair

Paula Brooks, Vice-chair



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MEMORANDUM

TO: Chair Fred Mills, Vice-chair Paula Brooks and Members of the
Legislative Branch and Executive Branch Committee

FROM: Shari L. O'Neill, Interim Executive Director and
Counsel to the Commission

DATE: February 24, 2017

RE: Summary of Sections of Article III (Executive Branch)

To aid the Legislative Branch and Executive Branch Committee in its consideration of Article III (Executive Branch), below are three suggested groupings of the sections, along with the text of those sections.

The first grouping is of sections that create and describe the office of the governor and the officers of the executive branch. The second grouping relates to sections that describe the privileges and duties of the office of the governor. The third grouping describes the eligibility to office of the governor, the method for filling a vacancy in the office of the governor and lieutenant governor, and the Ohio Supreme Court's jurisdiction over questions involving the disability of the governor.

GROUP I

The Office of the Governor and Officers of the Executive Branch Sections 1, 1a, 1b, 2, 3, 18, 19, 20, and 21

Section 1 – (Executive department)

The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and an attorney general, who shall be elected on the first Tuesday after the first Monday in November, by the electors of the state, and at the places of voting for members of the General Assembly.
(As amended October 13, 1885; 82 v 446.)

Section 1a – (Joint vote cast for governor and lieutenant)

In the general election for governor and lieutenant governor, one vote shall be cast jointly for the candidates nominated by the same political party or petition. The General Assembly shall provide by law for the nomination of candidates for governor and lieutenant governor. (Enacted June 8, 1976; SJR No.4.)

Section 1b – (Lieutenant governor duties assigned by governor)

The lieutenant governor shall perform such duties in the executive department as are assigned to him by the governor and as are prescribed by law. (Enacted effective Jan. 8, 1979; SJR No.4.)

Section 2 – (Term of office)

The governor, lieutenant governor, secretary of state, treasurer of state, and attorney general shall hold their offices for four years commencing on the second Monday of January, 1959. Their terms of office shall continue until their successors are elected and qualified. The auditor of state shall hold his office for a term of two years from the second Monday of January, 1961 to the second Monday of January, 1963 and thereafter shall hold his office for a four year term. No person shall hold the office of governor for a period longer than two successive terms of four years.

No person shall hold any one of the offices of lieutenant governor, secretary of state, treasurer of state, attorney general, or auditor of state for a period longer than two successive terms of four years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1995 shall be considered in determining an individual's eligibility to hold the office of lieutenant governor, secretary of state, treasurer of state, attorney general, or auditor of state.

In determining the eligibility of an individual to hold an 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.

(Adopted November 3, 1992.)

(Amended November 2, 1954.)

Section 3 – (Election returns)

The returns of every election for the officers, named in the foregoing section, shall be sealed and transmitted to the seat of government, by the returning officers, directed to the President of the Senate, who, during the first week of the next regular session, shall open and publish them, and declare the result, in the presence of a majority of the members of each House of the General Assembly. The joint candidates having the highest number of votes cast for governor and

lieutenant governor and the person having the highest number of votes for any other office shall be declared duly elected; but if any two or more have an equal and the highest number of votes for the same office or officers, one of them or any two for whom joint votes were cast for governor and lieutenant governor, shall be chosen by joint vote of both houses.
(Amended June 8, 1976, SJR No.4; November 2, 1976, SJR No.17, 111th General Assembly.)

Section 18 – (What vacancies governor to fill)

Should the office of Auditor of State, Treasurer of State, Secretary of State, or Attorney General become vacant, for any of the causes specified in the fifteenth section of this article, the Governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Such successor shall be elected for the unexpired term of the vacant office at the first general election in an even numbered year that occurs more than forty days after the vacancy has occurred; provided, that when the unexpired term ends within one year immediately following the date of such general election, an election to fill such unexpired term shall not be held and the appointment shall be for such unexpired term.
(Amended, effective Jan. 1, 1970; HJR No.26.)

Section 19 – (Compensation)

The officers mentioned in this article shall, at stated times, receive for their services, a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

Section 20 – (Officers to report to governor, and when)

The officers of the executive department, and of the public state institutions shall, at least five days preceding each regular session of the general assembly, severally report to the governor, who shall transmit such reports, with his message to the General Assembly.

Section 21 – (Appointment subject to advice and consent of Senate)

When required by law, appointments to state office shall be subject to the advice and consent of the Senate. All statutory provisions requiring advice and consent of the Senate to appointments to state office heretofore enacted by the General Assembly are hereby validated, ratified and confirmed as to all appointments made hereafter, but any such provision may be altered or repealed by law.

No appointment shall be consented to without concurrence of a majority of the total number of Senators provided for by this Constitution, except as hereinafter provided for in the case of failure of the Senate to act. If the Senate has acted upon any appointment to which its consent is required and has refused to consent, an appointment of another person shall be made to fill the vacancy.

If an appointment is submitted during a session of the General Assembly, it shall be acted upon by the Senate during such session of the General Assembly, except that if such session of the

General Assembly adjourns sine die within ten days after such submission without acting upon such appointment, it may be acted upon at the next session of the General Assembly.

If an appointment is made after the Senate has adjourned sine die, it shall be submitted to the Senate during the next session of the General Assembly.

In acting upon an appointment a vote shall be taken by a yea and nay vote of the members of the Senate and shall be entered upon its journal. Failure of the Senate to act by a roll call vote on an appointment by the governor within the time provided for herein shall constitute consent to such appointment.

(As enacted Nov. 7, 1961.)

GROUP II

Privileges and Duties of the Office of the Governor

Sections 5, 6, 7, 8, 9, 10, 11, 12

Section 5 – (Executive power vested in governor)

The supreme executive power of this state shall be vested in the governor.

Section 6 – (He may require written information, etc.)

He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

Section 7 – (He shall recommend measures, etc.)

He shall communicate at every session, by message, to the general assembly, the condition of the state, and recommend such measures as he shall deem expedient.

Section 8 – (Limiting part of General Assembly in extra session)

The governor on extraordinary occasions may convene the general assembly by proclamation and shall state in the proclamation the purpose for which such special session is called, and no other business shall be transacted at such special session except that named in the proclamation, or in a subsequent public proclamation or message to the general assembly issued by the governor during said special session, but the general assembly may provide for the expenses of the session and other matters incidental thereto.

(As amended September 3, 1912.)

Section 9 – (When he may adjourn the General Assembly)

In case of disagreement between the two houses, in respect to the time of adjournment, he shall have power to adjourn the general assembly to such time as he may think proper, but not beyond the regular meetings thereof.



Section 10 – (Commander-in-chief of militia)

He shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States.

Section 11 – (May grant reprieves, commutations and pardons)

The Governor shall have power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offenses, except treason and cases of impeachment, upon such conditions as the Governor may think proper; subject, however, to such regulations, as to the manner of applying for commutations and pardons, as may be prescribed by law. Upon conviction for treason, the Governor may suspend the execution of the sentence, and report the case to the General Assembly, at its next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. The Governor shall communicate to the general assembly, at every regular session, each case of reprieve, commutation, or pardon granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with the Governor's reasons therefor.

(As amended January 1, 1996)

Section 12 – (Seal of the state, and by whom kept)

There shall be a seal of the state, which shall be kept by the governor, and used by him officially; and shall be called "The Great Seal of the State of Ohio."

Section 13 – (How grants and commissions issued)

All grants and commissions shall be issued in the name, and by the authority, of the state of Ohio; sealed with the great seal; signed by the governor, and countersigned by the secretary of state.

GROUP III**Eligibility for Office, Filling Vacancies****Sections 14, 15, 17, 17a, 22**Section 14 – (Who is ineligible for governor)

No member of congress, or other person holding office under the authority of this state, or of the United States, shall execute the office of governor, except as herein provided.

Section 15 – (Who shall fill his place when vacancy occurs)

(A) In the case of the death, conviction on impeachment, resignation, or removal, of the Governor, the Lieutenant Governor shall succeed to the office of Governor.

(B) When the Governor is unable to discharge the duties of office by reason of disability, the Lieutenant Governor shall serve as governor until the Governor's disability terminates.



(C) In the event of a vacancy in the office of governor or when the Governor is unable to discharge the duties of office, the line of succession to the office of governor or to the position of serving as governor for the duration of the Governor's disability shall proceed from the Lieutenant Governor to the President of the senate and then to the Speaker of the House of Representatives.

(D) Any person serving as governor for the duration of the Governor's disability shall have the powers, duties, and compensation of the office of governor. Any person who succeeds to the office of governor shall have the powers, duties, title, and compensation of the office of governor.

(E) No person shall simultaneously serve as Governor and Lieutenant Governor, President of the senate, or Speaker of the House of Representatives, nor shall any person simultaneously receive the compensation of the office of governor and that of lieutenant governor, president of the Senate, or speaker of the House of Representatives.

(Enacted November 2, 1976. Former § 15 repealed, see HJR No.37, 111th General Assembly.)

Section 17 – (If a vacancy shall occur while executing the office of governor, who shall act)

When a vacancy occurs in both the office of governor and lieutenant governor because of the death, conviction on impeachment, resignation, or removal of the persons elected to those offices prior to the expiration of the first twenty months of a term, a governor and lieutenant governor shall be elected at the next general election occurring in an even-numbered year after the vacancy occurs, for the unexpired portion of the term. The officer next in line of succession to the office of governor shall serve as governor from the occurrence of the vacancy until the newly elected governor has qualified.

If by reason of death, resignation, or disqualification, the governor-elect is unable to assume the office of governor at the commencement of the gubernatorial term, the lieutenant governor-elect shall assume the office of governor for the full term. If at the commencement of such term, the governor-elect fails to assume the office by reason of disability, the lieutenant governor-elect shall serve as governor until the disability of the governor-elect terminates.

(Enacted November 2, 1976. Former § 17 repealed, see HJR No.37, 111th General Assembly.)

Section 17a – (Filling a vacancy in the office of lieutenant governor)

Whenever there is a vacancy in the office of the lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by vote of a majority of the members elected to each house of the General Assembly.

(Adopted November 7, 1989)

Section 22 – (Jurisdiction to determine disability; succession)

The supreme court has original, exclusive, and final jurisdiction to determine disability of the governor or governor-elect upon presentment to it of a joint resolution by the general assembly, declaring that the governor or governor-elect is unable to discharge the powers and duties of the office of governor by reason of disability. Such joint resolution shall be adopted by a two-thirds vote of the members elected to each house. The supreme court shall give notice of the resolution

to the governor and after a public hearing, at which all interested parties may appear and be represented, shall determine the question of disability. The court shall make its determination within twenty-one days after presentment of such resolution.

If the governor transmits to the supreme court a written declaration that the disability no longer exists, the supreme court shall, after public hearing at which all interested parties may appear and be represented, determine the question of the continuation of the disability. The court shall make its determination within twenty-one days after transmittal of such declaration.

The Supreme Court has original, exclusive, and final jurisdiction to determine all questions concerning succession to the office of the governor or to its powers and duties.

(Enacted November 2, 1976; HJR No.37, 111th General Assembly.)

* Schedule of HJR 37 (136 v --) reads as follows: If, on the effective date of this amendment, section number 16 is already assigned to a section in Article III of the Constitution of Ohio, the Secretary of State shall assign section number 22 to the section in Article III that would be numbered section 16 by this amendment, and such number shall be the official number of such section and shall be so published in any publication of the Constitution and shall be cited and referred to by such number.

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OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MEMORANDUM

TO: Fred Mills, Chair; Paula Brooks, Vice-chair; and
Members of the Legislative Branch and Executive Branch Committee

FROM: Steven C. Hollon, Executive Director

DATE: April 7, 2016

RE: Grouping of Article II Sections by Topic for Review by the Committee

This memorandum provides summaries of the various sections contained in Article II that have been assigned to the Legislative Branch and Executive Branch Committee. The summaries are grouped into topical categories that might aid the committee in its review of the provisions.

It is very important to note that this is not a proposal, but merely a means of categorizing the topics in this and other articles that might aid the committee in its review and analysis of these provisions.

Category I – Section 1 (Legislative Power)

There is just one section in this category. It deals with vesting the legislative authority of government in the General Assembly and reserving to the people certain powers, such as the initiative and referendum. The sections on the initiative and referendum are closely related to the legislative authority and contain related numbering in the constitution, but they have been separately assigned to the Constitutional Revision and Updating Committee.

Section 1 – In Whom Power Vested (1851, amend. 1912, 1918, and 1953)

- This section states that the “legislative power of the state shall be vested in a General Assembly consisting of a Senate and House of Representatives” and then goes on to state that the people reserve to themselves the power of the initiative and referendum to propose and reject laws passed by the General Assembly. The section also states that the limitations place on the General Assembly by the constitution shall also “be deemed limitations on the power of the people to enact laws.”

The committee may wish to consider revising this provision into a more readable format. One possible format is provided at Attachment A. The suggested format sets out the powers in a cleaner fashion, which aids in reader comprehension without changing the meaning. However, suggesting that this section be amended for the sole purpose of clarity may not be a sufficient reason to change it.

Sections 1a through 1g – General Powers of Initiative and Referendum; Ballot Board (1912, amend. 2008)

- These sections deal with the powers of the initiative and referendum. They have been assigned to the Constitutional Revision and Updating Committee. An overriding question is whether the seven sections dealing with this topic should be removed from Article II and placed in a new article dealing with this topic specifically or whether they should be retained in this article as numbered. This question may require some discussion between the chairs of the Legislative Branch and Executive Branch Committee (Mills) and the Constitutional Revision and Updating Committee (Mulvihill) or a joint meeting of the committees.

Category II – Section 2 (Election of Legislators)

There is just one section in this category which deals with the election and terms of the members of the General Assembly.

Section 2 – Election and Term of State Legislators (1967, amend. 1992)

- This section deals with the election and terms of state legislators, including the term limitation language that was added to the constitution in 1992. The committee has already dealt with this topic and passed two separate reports and recommendations on the issue of term limits which have not yet been considered by the full Commission.

There is no need for the committee to take any further action on this section.

Category III – Sections 3, 4, 5, 11, and 31 (Qualifications, Vacancy, and Compensation of Members of General Assembly)

Sections 3, 4, 5, 11, and 31 deal with residency requirements and restrictions on those who serve in the General Assembly, the method for filling a vacancy of a member of the General Assembly, and the compensation of the members and officers of that body.

When reviewing these sections, and before preparing a single report and recommendation on these provisions, the committee may wish to consider whether some of the provisions should remain in Article II or whether they should be moved to another article dealing with officeholders in general. See Category VIII (Officeholders) below.

Section 3 – Residence Requirements (1851, amend. 1967)

- This section states that senators and representatives shall have lived in their districts for one year prior to their election.

Section 4 – Dual Office and Conflict of Interest Prohibited (1851, amend. 1973)

- This section sets out restrictions that no member of the General Assembly shall hold any other public office while serving as a member, except for an office in a political party, as a notary public, or an officer in the militia or of the United States armed forces. This is one of the topics the committee may wish to consider moving out of Article II and placing in an article dealing with officeholders in general. See Category VIII (Officeholders) below.

Section 5 – Who Shall Not Hold Office (1851)

- This section states that no person holding money for public disbursement shall have a seat in the General Assembly until accounting for and paying moneys into the treasury. It also states that no person convicted of embezzlement of public funds shall hold any office in the state. This last disability goes beyond just those serving in the General Assembly and applies to all offices. The committee may wish to consider removing this restriction from this section, and placing it in an article dealing with officeholders in general. See Category VIII (Officeholders) below.

Section 11 – Filling Vacancy in House or Senate Seat (1851, amend. 1961, 1968, 1973)

- This fairly lengthy section deals with how vacancies shall be filled in the Senate and House of Representatives.

Section 31 – Compensation of Members and Officers of the General Assembly (1851)

- This section states that members and officers of the General Assembly shall receive a fixed compensation to be prescribed by law and no other allowances and perquisites, and that no change in their compensation shall take place during their term in office.

Category IV – Sections 6, 7, 8, 9, 13, and 14 (Conducting Business of General Assembly)

The sections in this category deal with the organization and power of the General Assembly and some basic standards for conducting the business of the body. Of the six sections in this category, four were adopted in 1851 and then amended in 1973, one was adopted in 1851 and has never been amended, and one was adopted in 1973, at the time the first four sections noted above were amended. The sections in this category could be considered in the same report and recommendation.

Section 6 – Powers of Each House (1851, amend. 1973)

- This provision provides for several, somewhat unrelated items, such as (i) each house shall be the judge of the election and qualifications of its members; (ii) each house may punish its members for disorderly conduct; (iii) a majority shall constitute a quorum to do business; and (iv) each house has all powers necessary to obtain information affecting legislative action, including the powers to enforce the attendance and testimony of witnesses.
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Section 7 – Organization of Each House of the General Assembly (1851, amend. 1973)

- This section states that the mode of operating each house of the General Assembly shall be prescribed by law, sets out the titles for the presiding officer of each house, and indicates that each house shall determine its own rules of proceeding.

Section 8 – Sessions of the General Assembly (1973)

- This section provides when regular and special sessions of the General Assembly may be convened, who may convene them.

Section 9 – House and Senate Journals (1851, amend. 1973)

- This section states that each house of the General Assembly shall keep a correct journal of its proceedings, and that on the passage of every bill the vote shall be taken by yeas and nays.

Section 13 – Legislative Sessions to be Public (1851)

- This section provides that the proceedings of both houses shall be public, except when two-thirds of those present find that secrecy is required.

Section 14 – Power of Adjournment (1851, amend. 1973)

- This provision states that neither house shall adjourn for more than five days without the consent of the other, nor reconvene in any place other than which the two houses are in session.

Category V – Sections 10 and 12 (Rights and Privileges of Members of General Assembly)

Sections 10 and 12 deal with the rights and privileges of the members of the General Assembly, specifically noted in the constitution. It makes sense that they should be considered by the committee at the same time and reviewed in the same report and recommendation.

Section 10 – Rights of Members to Protest (1851)

- This section states that any member of either house has the right to protest against any act or resolution, and that such protest shall be entered upon the journal.

Section 12 – Privileges of Members from Arrest (1851)

- This section deals with the immunity of members of the General Assembly (i) from arrest in going to or returning from a session, except for treason, felony or breach of the peace, and (ii) for any speech or debate.

Category VI – Sections 15, 16, 26, and 28 (Enacting Laws)

The four sections in this category deal with the process for enacting bills by the General Assembly, the requirement for the Governor’s signature, how laws are to be applied, and restrictions on their enactment. These sections can be dealt with at the same time and in one report and recommendation. However, since these sections refer to actions by both the General Assembly and the Governor, and the effect of laws generally, a question the committee may wish to address is whether this grouping of provisions should be removed from Article II and placed in its own separate article that deals with enacting laws. I have provided at Attachment B a version of what this new separate article might look like.

Section 15 – How Bills Shall Be Passed (1973)

- This section details how bills shall be passed in the General Assembly, including requirements on the style of the laws, the one subject rule, and signing by the presiding officer.

Section 16 – Bills to be signed by Governor (1851, amend. 1903, 1912, 1973)

- This section details the requirements for the governor’s signature on bills, the veto of bills, veto overrides by the General Assembly, and bills becoming law without the governor’s signature.

Section 26 – Laws to have Uniform Operation (1851)

- This section states that laws of a general nature will have uniform operation throughout the state.

Section 28 – Retroactive Laws (1851)

- This section states that the General Assembly shall have no power to pass retroactive laws or laws impairing the obligation of contracts.

Category VII – Sections 33, 34, 34a, 35, 37 (Employee and Worker Protections)

The sections in this category deal with topics that concern protecting the interests of employees and workers. There are also two other provisions that have been proposed by a private citizen that broadly fall into this category and which have been assigned to the committee for its review. One question the committee may wish to consider is whether there are enough sections on this topic that would warrant removing this group of provisions from Article II and place them in a new and separate article dealing exclusively with this topic, in order to provide for greater clarity, transparency, and ease of comprehension by the reader.

Section 33 – Mechanics’ and Contractor’s Liens (1912)

- This section states that laws may be passed to allow for labors and materialmen to place liens on property for which they have provided labor or material.

Section 34 – Welfare of Employees (1912)

- This section states that laws may be passed regulating the hours of labor, and providing for the comfort, health, safety and general welfare of employees.

Section 34a – Minimum Wage (2006)

- Sets a minimum wage for every employer in the state to pay their employees.

Section 35 – Workers’ Compensation (1912, amend. 1923)

- This section states that laws may be passed to provide compensation for workers and their dependents for death, injuries, and occupational disease occurring in the course of one’s employment.

Section 37 – Workday and Workweek on Public Projects (1912)

- This section states that not more than eight hours shall constitute a day’s work and not more than 48 hours shall constitute week’s work on public work projects.

Proposed Section – No Public Resources in Collection of Labor Dues

- This proposal, submitted to the Commission by a private citizen, would prohibit the use of public resources to assist a labor organization in collecting dues or service fees from wages of public employees.

Proposed Section – Right to Work/Workplace Freedom

- This proposal, submitted to the Commission by a private citizen, would prohibit a person, as a condition of employment, from becoming a member of a labor organization or paying dues to a union organization.

Category VIII – Sections 4, 5, 20, 23, 24, 27, 38 (Officeholders)

The sections noted below deal with various topics that concern officers and officeholders, including their term, compensation, impeachment and removal, and filling of vacancies.

Section 20 – Term of Office, and Compensation of Officers in Certain Cases (1851)

- This section provides that the General Assembly, in cases not provided for in the constitution, shall fix the term of office and compensation for all officers.

Section 23 – Impeachments (1851)

- This section states the general procedures for impeachment including that the House of Representatives shall have the sole power of impeachment, which shall be tried by the Senate and require the concurrence of two-thirds of the senators.

Section 24 – Officers Liable to Impeachment (1851)

- This section states the offices liable to impeachment, including the governor, judges, and all state officers.

Sections 27 – Election and Appointment of Officers; Filing of Vacancies (1851)

- This section states that the election and appointment of all officers not provided by the constitution shall be as directed by law.

Section 38 – Removal of Officials for Misconduct (1912)

- This section states that laws shall be passed providing for the prompt removal from office of all officers, including state officers, judges, and members of the General Assembly, for misconduct involving moral turpitude, in addition to the method of impeachment.

In addition to these five sections, there are two other sections in Article II (as noted in Category III above) that might be combined with these sections to form a new and separate article that focuses on the topic of officeholders. The two sections in Article II (as noted in Category III above) are as follows:

Section 4 – Dual Office and Conflict of Interest Prohibited (1851, amend. 1973)

- This section sets out that no member of the General Assembly shall hold any other public office while serving as a member, except for an office in a political party, as a notary public, or an officer in the militia or of the United States armed forces. The committee may wish to consider making this a requirement as to all officeholders in the state.

Section 5 – Who Shall Not Hold Office (1851)

- This section states that no person holding money for public disbursement shall have a seat in the General Assembly until accounting for and paying moneys into the treasury. It also states that no person convicted of embezzlement of public funds shall hold any office in the state. This last disability goes beyond just those serving in the General Assembly and applies to all offices.

There are also two other sections in the constitution, at Article XV (Miscellaneous), that might be combined with the sections noted above to round out a separate article on officeholders. They are as follows:

Section 4 – Qualified Electors (1851, amend. 1913, 1953)

- This section states that no person shall be elected or appointed to any office in the state unless they are qualified as an elector.

Section 7 – Oaths of Officers (1851)

- This section states that every person chosen or appointed to any office shall, before entering into office, shall take an oath or affirmation to support the Constitution of the United States, and Ohio, and also an oath of office.

Finally, one other topic the committee may want to consider is the creation of a salary commission and, in so doing, whether such a section should be added to the sections noted above in the creation of a new article setting out the general requirements for all officeholders in state and local government.

Category IX – Sections 21, 22, 30, 32, 39 (Miscellaneous Topics)

The following sections deal with miscellaneous powers the constitution grants to the General Assembly, but which do not deal with a common topic. These sections perhaps more logically belong in other articles in the constitution and could be transferred to other committees for review, or they could be grouped with the sections noted in Category VI above (Enacting Legislation), either in a new and separate article or contained within Article II.

Section 21 – Contested Elections (1851)

- This section states that the General Assembly shall determine before what authority and in what manner elections shall be conducted. While this affirmative granting of authority may not be necessary in order for the General Assembly to enact legislation regarding elections, if the Commission wishes to retain this grant then perhaps it should be reviewed by the Bill of Rights and Voting Committee and the section transferred to Article V (Elections).

Section 22 – Appropriations (1851)

- This section states that no money shall be drawn from the treasury, except in pursuance of a specific appropriation, and that no appropriation shall be made for more than two years. This does not fit neatly into other articles or for review by other committees. The closest one that might be considered would be the Finance, Taxation, and Economic Development Committee, but neither Article VIII (Public Debt and Public Works) nor Article XII (Finance and Taxation) seem like clean places for this provision to land.

Section 30 – New Counties (1851)

- This section deals with the creation of new counties. It states that no new county shall contain less than 400 square miles or be reduced below that level, and notes that any changes as to county lines and county seats shall be submitted to the electors of the counties to be affected. The question is whether this section should remain in this article for review by this committee or whether review of the provision should be transferred to the Education, Public Institutions, and Local Government Committee which has been tasked with reviewing Article X (County and Township Organizations) to determine whether his provision should be transferred to that article.

Section 32 – Divorces and Judicial Power (1851)

- This section states that the judicial branch shall grant no divorce or exercise any judicial power not granted in the constitution. This section could be transferred to the Judicial Branch and Administration of Justice Committee for its review and perhaps a suggestion that it recommend the adoption of a provision in Article IV that states the issuance of a divorce shall be the sole determination of the judicial branch as provided by law.

Section 39 – Expert Testimony in Criminal Trials (1912)

- This section states that laws may be passed for the regulation of the use of expert witnesses and expert testimony in criminal proceedings. The committee should consider transferring this provision to the Judicial Branch and Administration of Justice Committee for its review. With the passage of the Modern Courts Amendment in 1968, rule-making authority was largely transferred to the Supreme Court, with some oversight

by the General Assembly. This provision is largely, if not totally, obsolete and the committee could also recommend its repeal.

Category X – Section 36 and Other Provisions (Natural Resources)

Section 36 deals with the topic of natural resources, as set out below. There are also other provisions located in different articles of the constitution that deal with the topics of (i) private property and eminent domain; (ii) the protection of private property rights in ground water, lakes, and water courses; and (iii) Ohio Livestock Care Standards Board, also as set out below.

Collectively, these four topics deal with the larger issue of the preservation of natural resources and rights in private property versus the interest of the state in conserving natural resources and regulating methods for their use and extraction.

Two of the provisions noted above are assigned to the Legislative Branch and Executive Branch Committee, and are as follows:

Section 36 – Conservation of Natural Resources (1912, amend. 1973)

- This section focuses on two topics. The first part of the provision deals with taxation of forestry and agriculture. The second section deals with the conservation of natural resources and the regulation of their use and extraction.

Article XIV, Section 1 – Ohio Livestock Care Standards Board (2009)

- This section, as passed by initiative in 2009, deals with the creation and operation of the Ohio Livestock Care Standards Board, governing the care and well-being of livestock and poultry.

The other two topics provisions mentioned above are assigned to the Bill of Rights and Voting Committee, and are as follows:

Article I, Section 19 – Eminent Domain (1851)

- This section discusses the foundational principle of eminent domain as placed in Article I of the constitution dealing with the Bill of Rights.

Article I, Section 19b – Preservation of Private Property Rights in Ground Water, Lakes, and Other Watercourses (2009)

- This section discusses the protection of Ohio property owners' riparian rights.

The question is whether it makes sense to place all of these items in one article in the constitution for the convenience of the reader or whether it would be too difficult a task to have the voters approve moving these provisions around, thus making more sense to leave well enough alone and just let the two committees complete their work on these topics as assigned.

Conclusion

There is plenty of work for the committee's consideration and determining the order and grouping of topics for its review will aid staff in the preparation of reports and recommendations for the committee's approval and submission to the full Commission.

ATTACHMENT A

ARTICLE II – LEGISLATIVE BRANCH

Section 1 – Legislative Power

(A) The legislative power of the state shall be vested in a General Assembly, consisting of a Senate and House of Representatives, and in the people, as they shall specifically reserve to themselves in the constitution. ~~but the~~

(B) ~~The people reserve to themselves~~ The people reserve the power to propose to the General Assembly laws and amendments to the constitution, and to adopt or reject the same at the polls on a referendum vote, as ~~hereinafter~~ provided in the constitution.

(C) ~~They also~~ The people reserve the power to adopt or reject any law, section of any law, or any item to any law, appropriating money passed by the General Assembly, except as ~~herein-after~~ provided in the constitution ; .

(D) The people reserve the power, ~~and~~ independent of the General Assembly, to propose amendments to the constitution and to adopt or reject the same at the polls, as provided in the constitution.

(E) The limitations expressed in the constitution, on the power of the General Assembly to enact laws, shall be deemed limitations on the power of the people to enact laws.

Currently Art. II, Sec. 1 – (1851, amend. 1912, 1918, 1953)

ATTACHMENT B

ARTICLE ____ - ENACTING LAWS

Section 1 – Bills

The General Assembly shall enact no law except by bill, and no bill shall be passed without the concurrence of a majority of the members elected in each house. Bills may originate in either house, ~~but~~ and may be altered, amended, or rejected in the other.

Currently Art. II, Sec. 15(A) – (1973)

Section 2 – Style of Laws

The style of the laws of this state shall be, “be it enacted by the General Assembly of the state of Ohio.”

Currently Art. II, Sec. 15(B) – (1973)

Section 3 – Consideration of Bills

Every bill shall be considered by each house on three different days, unless two-thirds of the members elected to the house in which it is pending suspend this requirement, ~~and every~~. Every individual consideration of a bill or action suspending the requirement shall be recorded in the journal of the respective house. No bill ~~may~~ shall be passed until ~~the bill~~ it has been reproduced and distributed to members of the house in which it is pending and every amendment been made available upon a member’s request.

Currently Art. II, Sec. 15(C) – (1973)

Section 4 – One Subject (1973)

No bill shall contain more than one subject, which shall be clearly expressed in its title.

Currently part of Art. II, Sec. 15(D) – (1973)

Section 5 – Vote (1973)

On the passage of every bill, the vote ~~in either of each~~ house, ~~the vote~~ shall be ~~taken~~ determined by yeas and nays, and ~~entered upon~~ the names of the members voting for and against the bill shall be ~~the entered upon the~~ journal.

Currently part of Art. II, Sec. 9 – (1973)

Section 6 – Entire Act (1973)

No law shall be revived or amended unless the new act contains the entire act revived, or the section or sections amended, and the section or sections amended shall be repealed.

Currently part of Art. II, Sec. 15(D) – (1973)

Section 7 – Certifying Passage of Bill

Every bill which has passed both houses of the General Assembly shall be signed by the presiding officer of each house to certify that the procedural requirements for passage have been met and shall be presented forthwith to the governor for his approval.

Currently Art. II, Sec. 15(E) – (1973)

Section 8 – Certifying Passage of Joint Resolution

Every joint resolution which has been adopted in both house of the General Assembly shall be signed by the presiding officer of each house to certify that the procedural requirements for adoption have been met and shall forthwith be filed with the secretary of state.

Currently Art. II, Sec. 15(F) – (1973)

Section 9 – Signing by Governor; Filing with Secretary of State

If the governor approves an act passed by the General Assembly, ~~he~~ the governor shall sign it, ~~it becomes law and he shall file it with the secretary of state, whereupon it becomes law.~~

Currently part of Art. II, Sec. 16 – (1973)

Section 10 – Veto by Governor; Reconsideration by General Assembly

(A) If ~~he~~ the governor does not approve ~~it~~ an act passed by the General Assembly, ~~he~~ the governor shall return it, with ~~his~~ the governor's objections in writing, to the house in which it originated, which shall enter the objections at large upon its journal, and may then reconsider the vote on its passage.

(B) If three-fifths of the members ~~elected to~~ of the house of origin vote to repass the bill, it shall be sent, with the objections of the governor, to the other house, which may also reconsider the vote on its passage. If three-fifths of the members ~~elected to~~ of the second house vote to repass it, ~~it~~ the bill becomes law notwithstanding the objections of the governor, and the presiding officer of the second house shall file it with the secretary of state. In no case shall a bill be repassed by a smaller vote that is required by the constitution on its original passage. In all cases of reconsideration, the vote of each house shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal.

(C) If a bill is not returned by the governor within ten days, Sundays excepted, after being presented to ~~him~~ the governor, it becomes law in like manner as if ~~he~~ the governor has signed it, unless the General Assembly by adjournment prevents its return; in which case, it becomes law unless, within ten days after adjournment, it is filed by ~~him~~ the governor, with ~~his~~ the governor's objections in writing, in the office of the secretary of state. The governor shall file with the secretary of state every bill not returned by ~~him~~ the governor to the house of origin that becomes law without ~~his~~ the governor's signature.

(D) The governor may disapprove any item or items in any bill making an appropriation of money and the item or items, so disapproved, shall be void, unless repassed in the manner prescribed by this section for the repassage of a bill.

Currently Art. II, Sec. 16 – (1851, amend. 1903, 1912, 1973)

Section 11 – Laws Shall Have Uniform Operation

All laws, of a general nature, shall have a uniform operation throughout the state; nor shall any act, except as it relates to public schools, be passed, to take effect upon the approval of any other authority than the General Assembly, except as otherwise provided in this constitution.

Currently Art. II, Section 26 – (1851)

Section 12 – Retroactive Laws

The General Assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects, and errors, in instruments and proceedings, arising out of their want of conformity with the laws of the state.

Currently Art. II, Section 28 – (1851)

Section 13 – Tax Levies, Appropriations, and Emergency Laws; Immediate Effect (1912)

(A) Laws providing for tax levies, appropriations for the current expenses of the state government and state institutions, and emergency laws necessary for the immediate preservation of the public peace, health or safety, shall go into immediate effect.

(B) ~~Such~~ Emergency laws shall require the vote of two-thirds of ~~all~~ the members ~~elected to~~ in each ~~branch~~ house of the General Assembly, and the reasons for such necessity shall be set forth in one section of the law, which section shall be passed only upon a yea or nay vote, upon a separate roll call vote thereon.

(C) Laws mentioned in this section shall not be subject to the referendum as set out in Article ____, Section ____ of this constitution.

Currently Art. II, Sec. 1d – (1912)

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Legislative Branch and Executive Branch Committee

Planning Worksheet (Through April 2017 Meetings)

Article II - Legislative

Sec. 2 – Election and term of state legislators (1967, am. 1992)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	3.12.15	4.9.15	4.9.15	1.14.16			

Sec. 3 – Residence requirements for state legislators (1851, am. 1967)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	12.15.16	N/A	12.15.16	3.9.17	3.9.17	N/A	4.13.17

Sec. 4 – Dual office and conflict of interest prohibited (1851, am. 1973)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	12.15.16	N/A	12.15.16	3.9.17	3.9.17	N/A	4.13.17

Sec. 5 – Who shall not hold office (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	12.15.16	N/A	12.15.16	3.9.17	3.9.17	N/A	4.13.17

Sec. 6 – Powers of each house (1851, am. 1973)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	12.15.16	N/A	12.15.16	3.9.17	3.9.17	N/A	4.13.17

Sec. 7 – Organization of each house of the General Assembly (1851, am. 1973)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	12.15.16	N/A	12.15.16	3.9.17	3.9.17	N/A	4.13.17

Sec. 8 – Sessions of the General Assembly (1973)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	12.15.16	N/A	12.15.16	3.9.17	3.9.17	N/A	4.13.17

Sec. 9 – House and Senate Journals (yeas and nays) (1851, am. 1973)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	12.15.16	N/A	12.15.16	3.9.17	3.9.17	N/A	4.13.17

Sec. 10 – Rights of members to protest (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	3.9.17	N/A	3.9.17	3.9.17	3.9.17	N/A	4.13.17

Sec. 11 – Filling vacancy in House or Senate (1851, am. 1961, 1968, 1973)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	12.15.16	N/A	12.15.16	3.9.17	3.9.17	N/A	4.13.17

Sec. 12 – Privilege of members from arrest, and of speech (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	3.9.17	N/A	3.9.17	3.9.17	3.9.17	N/A	4.13.17

Sec. 13 – Legislative sessions to be public; exceptions (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	12.15.16	N/A	12.15.16	3.9.17	3.9.17	N/A	4.13.17

Sec. 14 – Power of adjournment (1851, am. 1973)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	12.15.16	N/A	12.15.16	3.9.17	3.9.17	N/A	4.13.17

Sec. 15 – How bill shall be passed (1973)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 16 – Bills to be signed by governor; veto (1851, am. 1903, 1912, 1973)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 20 – Term of office, and compensation of officers in certain cases (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 21 – Contested elections (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 22 – Appropriations (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 23 – Impeachments; how instituted and conducted (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 24 – Officers liable to impeachment; consequences (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 26 – Laws to have a uniform operation (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 27 – Election and appointment of officers; filling vacancies (1851, am. 1953)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 28 – Retroactive laws (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 29 – No extra compensation; exceptions (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 30 – New counties (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 31 – Compensation of members and officers of the General Assembly (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 32 – Divorces and judicial power (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 33 – Mechanics' and contractors' liens (1912)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 34 – Welfare of employees (1912)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 34a – Minimum Wage (2006)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 35 – Workers’ compensation (1912, am. 1923)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 36 – Conservation of natural resources (1912, am. 1973)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 37 – Workday and workweek on public projects (1912)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 38 – Removal of officials for misconduct (1912)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 39 – Regulating expert testimony in criminal trials (1912)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 40 – Registering and warranting land titles (1912)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 41 – Prison labor (1912, am. 1978)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 42 – Continuity of government operations in emergencies caused by enemy attack (1961)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Article III - Executive**Sec. 1 – Executive department; key state officers (1851, am. 1885)**

Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 1a – Joint vote cast for governor and lieutenant (1976)

Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 1b – Lieutenant governor duties assigned by governor (1976)

Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 2 – Term of office of key state officers (1851, am. 1954, 1992)

Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 3 – Counting votes for key state officers (1851, am. 1976)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 5 – Executive power vested in governor (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 6 – Governor to see that laws executed; may require written information (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 7 – Governor’s annual message to General Assembly; recommendations for legislators (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 8 – Governor may convene special session of legislature with limited purposes (1851, am. 1912)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 9 – When Governor may adjourn the legislature (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 10 – Governor is commander-in-chief of militia (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 11 – Governor may grant reprieves, commutations and pardons (1851, am. 1995)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 12 – Seal of the state, and by whom kept (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 13 – How grants and commissions issued (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 14 – Who is ineligible for governor (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 15 – Succession in case of vacancy in office of governor (1976)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 17 – If a vacancy shall occur while executing the office of governor, who shall act (1976)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 17a – Filling a vacancy in the office of lieutenant governor (1989)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 18 – Governor to fill vacancies in key state offices (1851, am. 1969)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 19 – Compensation of key state officers (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 20 – Annual report of executive officers (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 21 – Appointments to office; advice and consent of Senate (1961)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 22 – Supreme Court to determine disability of governor or governor elect; succession (1976)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Article V – Elective Franchise (Select Provision)

Sec. 8 – Term limits for U.S. senators and representatives (1992)

Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 9 – Eligibility of office holders (1992)

Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Article IX - Militia

Sec. 1 – Who shall perform military duty (1851, am. 1953, 1961)

Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 3 – Appointment of militia officers (1851, am. 1961)

Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 4 – Power of governor to call forth militia (1851, am. 1961)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 5 – Public arms; arsenals (1851)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Article XI – Apportionment/Congressional Redistricting

Sec. 1 – Ohio Redistricting Commission (2015/2021)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	1.14.16	2.4.16					

Sec. 2 – Representative for each house and senate district (2015/2021)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 3 – Ratio of representation in house and senate (2015/2021)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 4 – Formation of senate districts (2015/2021)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 5 – Term of senators on change of senate district boundaries (2015/2021)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 6 – General assembly districts; standards for drawing (2015/2021)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 7 – General assembly districts; change at end of decennial period (2015/2021)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 8 – Adoption of final plan; failure to adopt (2015/2021)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 9 – Supreme Court jurisdiction (2015/2021)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 10 – Severability of provisions (2015/2021)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Article XIV - Ohio Livestock Care Standards Board (2009)

Sec. 1 – Ohio Livestock Care Standards Board (2009)							
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

2017 Meeting Dates

June 8

July 13

August 10

September 14

October 12

November 9

December 14