



230 E. TOWN ST.
COLUMBUS, OH 43215
614 228-4201

WWW.OHIOCHAMBER.COM

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June 2, 2017

The Honorable Charleta Tavares
Co-Chair
Ohio Constitutional Modernization Commission
Riffe Center
77 S. High St., 24th Floor
Columbus, OH 43215

The Honorable Jonathan Dever
Co-Chair
Ohio Constitutional Modernization Commission
Riffe Center
77 S. High St., 24th Floor
Columbus, OH 43215

Dear Co-Chairs Tavares and Dever,

The Ohio Chamber of Commerce is Ohio's oldest and most diverse business organization. On behalf of our nearly 8,000 business members, I am writing to express our concern with respect to the Ohio Constitution Article II recommendation that was approved by the OCMC's Constitutional Revision and Updating Committee at its most recent meeting and is scheduled to be considered by the full Commission at its Thursday, June 8 meeting.

The Ohio Chamber has long recognized the need to safeguard the Ohio Constitution by requiring broader public support for amendments, and we agree with the committee's conclusion that "many constitutional provisions proposed by initiative did not seem appropriate for a state constitution."

Similarly, we agree with the concern expressed by committee members that "wealthy special interests have used and have increasingly sought to use the constitutional initiative." In addition, it is clear many of these special interests pursue placing issues on the ballot not merely out of a desire to achieve a particular public policy outcome, but rather as part of a calculated strategy to drive turnout of particular subsets of voters.

If the Article II recommendation were limited to just increasing the passing percentage for proposed initiated constitutional amendments from 50 percent to 55 percent, the Ohio Chamber would likely be supportive.

However, we do not support the accompanying changes designed to "make the statutory initiative more user-friendly." We believe these changes would not simply divert special interests away from using the initiated constitutional amendment process and towards the initiated statute process, but would instead result in a proliferation of ballot issues generally. The Ohio Chamber has no interest in seeing Ohio imitate California, which has a well-deserved reputation for chaotic and confusing elections due to the state regularly having a morass of citizen initiatives on its ballot.

Further, the sole significant change to the initiated constitutional amendment process is to increase the threshold for passage. This change, while positive, would only come into play once a proposal qualifies for the ballot. On the other hand, there are several substantial changes proposed to the initiated statute process, all of which impact the process at or near its beginning. In this way, the Ohio Chamber believes the committee's recommendation falls far short of a balanced approach to revising these two processes.

Finally, we strongly object to one specific provision contained in the Article II recommendation: the requirement that the ballot board take early action to prescribe a proposal's title, explanation, and ballot language. Voters deserve a fair, thorough, and careful presentation of this important information, which can only be properly achieved once the proposal and its impacts are fully understood. This is not possible if this responsibility must be completed by the ballot board within 14 days of receipt of the issue's certified petition and summary – prior, even, to the proponents' obtaining permission to begin circulating their petitions.

If the requirement that the ballot board perform these responsibilities – currently found only in statute – is to be embedded into the Ohio Constitution, the timetable should resemble what it looks like today. Currently, the ballot board carries out this responsibility only after a proposal is officially certified to appear on the ballot.

For these reasons, the Ohio Chamber urges the Ohio Constitutional Modernization Commission to consider advancing the two proposals separately, as well as to revise the proposal regarding the initiated statute to address the concerns raised in this letter. Absent these revisions, the Ohio Chamber urges you to reject the Article II recommendation and not forward it to the Ohio General Assembly.

Sincerely,



Keith Lake
Vice President, Government Affairs

cc: Shari O'Neil, OCMC Interim Executive Director and Counsel
Steve Steinglass, OCMC Senior Policy Advisor
Senate Pres. Larry Obhof
Speaker of the House Cliff Rosenberger