

**Co-Chair**  
Charleta B. Tavares  
Assistant Minority Leader  
15<sup>th</sup> Senate District



**Co-Chair**  
Ron Amstutz  
Speaker Pro Tempore  
1<sup>st</sup> House District

## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### MINUTES FOR THE MEETING HELD THURSDAY, SEPTEMBER 10, 2015

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

Senator Tavares called the meeting of the Ohio Constitutional Modernization Commission ("Commission") to order at 1:35 p.m.

#### **Members Present:**

A quorum was present with Commission Co-chairs Tavares and Amstutz, and Commission members Asher, Brooks, Clyde, Coley, Curtin, Davidson, Fischer, Jacobson, Kurfess, Macon, Mills, Mulvihill, Obhof, Peterson, Readler, Skindell, Sykes, Taft, and Wagoner in attendance.

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

The minutes of the June 11, 2015 meeting of the Commission were reviewed and approved.

#### **Standing Committee Reports:**

##### *Coordinating Committee*

Co-chair Tavares recognized Commission member Jo Ann Davidson, vice-chair of the Coordinating Committee, for a report of the activities of the committee. Ms. Davidson said the committee had recently approved reports and recommendations from the Bill of Rights and Voting Committee for Article I, Sections 13 (Quartermen Troops) and 17 (No Hereditary Privileges). She said the committee also considered what would be the appropriate course of action when outside groups approach the Commission with constitutional amendments to propose. She said the Coordinating Committee discussed with the chairs of the other standing committees what would be the best way to handle such requests. She said the conclusion was that proposals from the public would be routed to staff for assignment to the appropriate committee.

##### *Public Education and Information Committee and Liaisons with Public Offices Committee*

Co-chair Tavares recognized Commission member Larry Macon, vice-chair of the Liaisons with Public Offices Committee. Mr. Macon said the group has not met since the last Commission meeting, and deferred to Commission member Herb Asher, chair of the Liaisons with Public Offices Committee, for information about what the committees may be planning.

Mr. Asher said the committee is constructing an agenda for its next meeting, and he expects the committee will want to review the progress of the Commission's communications efforts. He said it will be useful to obtain some data analytics, to find out how many visitors have gone to the website, and to determine if other outreach efforts may be needed. He said the committee is seeking suggestions for its agenda. Mr. Asher continued that he has engaged in an environmental scan of issues that might be emerging to affect state constitutions. He noted a recent article in the *Columbus Dispatch* indicating an effort was underway to utilize state constitutions to defund Iran and to adopt state constitutional provisions to divest certain investments. He noted that Ohio Treasurer Josh Mandel is involved in this effort. He said this effort inspires him to suggest that it might be useful to have a conversation about what is the appropriate use of a constitution. He wondered whether the Commission might have a role in reminding citizens that statutory changes are better.

#### *Organization and Administration Committee*

Co-chair Tavares recognized Committee member Mark Wagoner, chair of the Organization and Administration Committee. Mr. Wagoner reported that staff has now been on board for a year, and complimented Executive Director Steven C. Hollon and staff for a work product he said the Commission can be proud of. He said that employee reviews are underway. He said the committee just reviewed and adopted the Commission's budget for the new fiscal year, and that later in the meeting he would be presenting proposed amendments to the Rules for Procedure and Conduct for the Commission's review and approval.

#### **Subject Matter Committee Reports:**

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

Co-chair Tavares recognized Commission member Chad Readler, chair of the Education, Public Institutions, and Local Government Committee. Mr. Readler complimented Mr. Hollon and staff for their assistance to the committee. He said the committee will meet again in October, when it is expected to approve reports and recommendations for Article VI, Section 1 (Funds for Religious and Educational Purposes), and Section 2 (School Funds). Readler said the committee has had several presentations regarding Article VI, Section 3 (Public School System, Boards of Education) and also will be addressing Section 4, relating to the state board of education.

##### *Finance, Taxation, and Economic Development Committee*

Co-chair Tavares recognized Commission member Doug Cole, chair of the Finance, Taxation, and Economic Development Committee. Mr. Cole said the committee has not met since June, but will meet in October, when he expects to get a sense of the committee as to what it plans to do in relation to the public debt and financing provisions in Article VIII. He said once the committee solidifies its plans, he anticipates a draft proposal for addressing those sections.

##### *Judicial Branch and Administration of Justice Committee*

Co-chair Tavares recognized Judge Patrick Fischer, vice-chair of the Judicial Branch and Administration of Justice Committee. Judge Fischer reported that the committee has considered the topic of justiciability in the context of advisory opinions and the Ohio Supreme Court's

original action jurisdiction. He said the committee is currently reviewing the use of the grand jury in Ohio, and expects to continue its discussion of that topic at its October meeting.

#### *Bill of Rights and Voting Committee*

Co-chair Tavares recognized Commission member Jeff Jacobson, vice-chair of the Bill of Rights and Voting Committee. Mr. Jacobson reported that the committee is continuing to refine its position on the question of voting rights for the mentally incapacitated, the subject of Article V, Section 6. He said the committee has triangulated and parsed through the section, and should be able to have a vote at its next meeting in November. He said the committee is discussing the whole article on voting.

#### *Constitutional Revision and Updating Committee*

Co-chair Tavares recognized Commission member Dennis Mulvihill, chair of the Constitutional Revision and Updating Committee. Mr. Mulvihill thanked staff for its work for his committee, specifically mentioning the work done on the anti-monopoly provision that was the subject of recent meetings of the committee. He said the committee is now moving on to consider the statutory initiative process.

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

Co-chair Tavares recognized Commission member Fred Mills, chair of the Legislative Branch and Executive Branch Committee. Mr. Mills reported that the committee plans to hear presentations about two United States Supreme Court cases, as well as about the one-subject rule contained in Article II, Section 15(D). He said the committee had passed out a report and recommendation about term limits. He added that the committee has a large number of sections it plans to review.

### **Reports and Recommendations:**

#### *Article I, Section 13 (Quartering Troops)*

Mr. Jacobson, vice-chair of the Bill of Rights and Voting Committee, presented Article I, Section 13 (Quartering Troops), describing it as a “vestige of the independence movement,” that the committee recommended be retained in its present form. No comment or discussion was offered regarding this report and recommendation.

#### *Article I, Section 17 (No Hereditary Privileges)*

Mr. Jacobson then presented Article I, Section 17 (No Hereditary Privileges), which also was being recommended for no change. No comment or discussion was offered about this report and recommendation.

## Proposed Amendments to Rules of Procedure and Conduct

Mr. Wagoner, chair of the Organization and Administration Committee, reported on proposed amendments to the Commission's Rules of Procedure and Conduct. Mr. Wagoner said the committee agreed that an amendment to the rules was necessary in order to reflect that, where no change is recommended, a second reading of a report and recommendation may not be required. He said that Senator Michael Skindell had offered a further amendment that clarified the original proposed change. He noted that Sen. Skindell's amendment was being provided as a separate handout, and that the original amendment was in the meeting packets that were provided to Commission members. Mr. Wagoner then invited questions and comments. Mr. Jacobson noted that the rules indicate the use of the phrase "consecutive meeting," wondering if that requirement might be changed in order to expedite the process. Mr. Wagoner and Sen. Skindell both agreed the suggestion was a good one, and asked for a motion. Mr. Jacobson so moved, the motion was seconded by Mr. Wagoner, and Sen. Skindell's amendment was further amended to remove the requirement that the meetings at which reports and recommendations were considered be consecutive.

Mr. Wagoner then moved for the adoption of the amendments to the standing rules and Mr. Cole seconded the motion. Co-chair Tavares called for a roll call vote and the measure was unanimously approved.

Yea – 22  
Nay – 0  
Absent – 10

Senator Tavares – yea  
Representative Amstutz – yea  
Herb Asher – yea  
Roger Beckett – absent  
Karla Bell – absent  
Commissioner Brooks – yea  
Representative Clyde – yea  
Douglas Cole - yea  
Senator Coley – absent  
Representative Cupp – absent  
Representative Curtin – yea  
Speaker Davidson – yea  
Judge Fischer – yea  
Edward Gilbert – absent  
Jeff Jacobson – yea  
Speaker Kurfess – yea  
Dr. Macon – yea  
Representative Manning – yea  
Fred Mills – yea  
Dennis Mulvihill – yea  
Senator Obhof – yea  
Senator Peterson – yea  
Chad Readler – yea  
Richard Saphire – absent

Senator Sawyer – absent  
Senator Skindell – yea  
Representative Sykes – yea  
Petee Talley – absent  
Governor Taft – yea  
Kathleen Trafford – absent  
Mark Wagoner – yea

**Executive Director’s Report:**

Mr. Hollon reported on the activities of Commission staff. He introduced Erin Oehler, a second year student at the Ohio State University Moritz College of Law, participating in the legislative clinic course. He said Erin was joining staff as an intern this semester and welcomed her.

Mr. Hollon continued that he, along with several Commission members, would be appearing at several metropolitan bar associations around the state to talk about the Commission’s work. He said one appearance had been on September 9, 2015, when he and Mr. Cole, Mr. Mills, and Mr. Readler presented at the Columbus Bar Association. Mr. Hollon said future events were planned in Cincinnati with Commission members Janet Abaray and Judge Fischer, in Dayton with Commission members Governor Bob Taft and Richard Saphire, and in Akron, with Commission member Ed Gilbert and Representative Emilia Sykes. He offered that if other members had knowledge of events in which the Commission could participate, he would be glad to assist in organizing participation.

Mr. Mulvihill asked Mr. Hollon if, once a new version of the Rules of Procedure and Conduct is prepared, a booklet-style copy of the rules could be provided to all Commission members as a reference. Mr. Hollon agreed this would be possible.

Mr. Wagoner raised that Commission member Paula Brooks had expressed a strong interest in having the Commission meet at other locations around the state. Co-chair Tavares agreed that this discussion has been ongoing, and that it was an idea that merited consideration.

**Old Business:**

There was no old business for consideration.

**New Business:**

Mr. Macon raised that it might be useful to form a committee of maybe three people to evaluate or review the effectiveness and challenges of the current committees. He said it might be helpful to be able to reformat or redirect some of the committees as necessary, or to move members from one committee to another where their skills might be a better fit. He asked Senior Policy Advisor Steven H. Steinglass if he had any thoughts on such a plan.

Mr. Steinglass said that all organizations should examine their basic structure from time to time. He said individual members have to look at how they are relating to the Commission. He said attendance and quorums have sometimes been a challenge, and the Commission may want to reassess how it is working out.

Mr. Mulvihill asked whether this evaluation is already part of the Coordinating Committee's charge. Mr. Hollon said the Coordinating Committee's charge is broad enough to accommodate that idea. Co-chair Tavares suggested the Coordinating Committee might organize a smaller subgroup to address this idea.

In other new business, Ms. Brooks introduced a guest she had brought to observe the Commission proceedings. She said Awa Moriba Coulibaly, Project Manager with the Prime Minister's office, and a citizen of Cote d'Ivoire, was in the United States participating in a program to allow her to learn about local government, and that Ms. Coulibaly will produce a report on women leaders and youth as a result of her visit. The Commission welcomed Ms. Coulibaly.

**Public Comment:**

Co-chair Tavares then asked whether any members of the public would like to appear before the Commission for comment. Ray Warrick stepped forward, identifying himself as the chair of the Warren County Republican Party and the chair of a group, "Eight is Enough," that is seeking a constitutional initiative to reduce term limits for state legislators. Mr. Warrick emphasized that polling numbers do not support extending term limits, and urged the Commission not to approve a recommendation that term limits be extended.

**Adjournment:**

There being no further business to come before the Commission, the meeting adjourned at 2:30 p.m.

**Approval:**

The minutes of the September 10, 2015 meeting of the Commission were approved at the October 8, 2015 meeting of the Commission.

*/s/ Charleta B. Tavares* \_\_\_\_\_  
Co-Chair  
Senator Charleta B. Tavares  
Assistant Minority Leader

*/s/ Ron Amstutz* \_\_\_\_\_  
Co-Chair  
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