



Mr. Scott Tillman  
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To the Ohio Constitutional Modernization Commission

Co-chairs Senator Tavares, Representative Dever and commission members, I am Scott Tillman, National Field Director for U.S. Term Limits. On behalf of U.S. Term Limits, I respectfully submit this statement in opposition to several of the initiative and referendum recommendations made by the Constitutional Revision and Updating Committee.

The Ohio Constitution is the governing document by which the people of Ohio control their state. This document recognizes the authority of the people, and specifically limits the power of the General Assembly. *"All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the general assembly"* Article I, section 2. The recommendations being proposed today clearly, distinctly, and in multiple ways undermine the political power of the people. And by undermining the power of the people elevate the political powers of the General Assembly. All changes that reduce the political power of the people should be rejected by this committee.

This committee was tasked by the legislature to discuss changes to the Ohio Constitution. From the name of the committee one might discern the task involved modernizing areas of the document that due to the age of the document were no longer in use, had been relevant in the past but are not relevant today, or had been made obsolete by the courts. We know the Ohio constitutional initiative process is not unused. This process is used often by the people of Ohio to address issues where the petitioners have decided the General Assembly has not taken proper action. Amendments proposed by the initiative appear on the ballot nearly every election cycle. Amendments proposed are relevant and after copious public debate are sometimes passed and often rejected. Courts continue to uphold the amendments, and a long history of judicial precedents exist to govern the current process. The changes recommended to this committee will clearly make it harder for constitutional initiatives to be proposed and passed by the people of Ohio. The recommended changes are not modernizations of the initiative process; they are structural changes that seek to alter the influence of the people on their government, and should be rejected by the committee.

There has been no public outcry to reduce the right of the people to initiate amendments. Public outcry results in petition drives, yet voters have not proposed an amendment to implement the recommended changes or weaken this process.

**Each of these recommendations should be rejected for the reasons mentioned in this statement:**

- Creates constitutional authority for the initial 1,000-signature petition presently in the Ohio Revised Code for the initiative and the referendum;
- Creates constitutional authority for the determination by the attorney general that the summary of the initiative and referendum is “fair and truthful”;
- Requires initiatives for statutes and for constitutional amendments to use gender-neutral language, where appropriate;
- Increases the passing percentage for proposed initiated constitutional amendments from 50 percent to 55 percent;
- Permits proposed initiated amendments to be on the general election ballot only in even-numbered years;
- Provides that the one amendment requirement for General Assembly-initiated constitutional amendments also applies to initiated constitutional amendments;
- Provides greater clarity by specifying the dates when proposed statutory and constitutional initiatives may be submitted to the voters;

Recommending any of the proposed changes to initiated amendments would not be a step to modernizing or improving the Ohio Constitution. They are steps to weaken the people and elevate the power of the General Assembly, and should be rejected.

Scott Tillman