



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### MINUTES OF THE BILL OF RIGHTS AND VOTING COMMITTEE

FOR THE MEETING HELD  
THURSDAY, MAY 11, 2017

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

Chair Richard Saphire called the meeting to order at 11:08 a.m.

#### **Members Present:**

A quorum was present with Chair Saphire, Vice-chair Jacobson, and committee members Bell, Clyde, Cole, Dever, Fischer, Gilbert, Peterson, and Skindell in attendance.

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

The minutes of the March 9, 2017 meeting of the committee were approved.

#### **Reports and Recommendations:**

##### *Article V, Section 2 (Elections by Ballot)*

Chair Saphire recognized Christopher Gawronski, legal intern, for the purpose of providing a second presentation of a report and recommendation for Article V, Section 2 (Election by Ballot). Mr. Gawronski described the report as indicating the committee's position that Article V, Section 2 be retained in its present form. He said the report outlines the background of the section as well as presentations and committee discussion related to the provision.

Chair Saphire asked the committee for any comments or discussion and there were none. On motion by committee member Karla Bell, seconded by Senator Bob Peterson, the committee voted unanimously to issue the report and recommendation.

## **Discussion:**

Chair Sapphire indicated his intention to move the full Commission to reconsider the committee's report and recommendation on Article V, Section 6, relating to mental capacity to vote. He said when the matter came up before the full Commission previously, it failed to gain sufficient votes for adoption by the Commission.

Chair Sapphire then asked for discussion on remaining issues assigned to the committee. He noted the early problem the Commission faced of having no staff. He said, as a result of that situation, he said he would review his own files to determine if he has any records that show previous committee consideration of or agreement on some of the remaining issues.

Chair Sapphire reminded the committee of its prior discussion on Article V, Section 7. He said the committee had generally agreed to recommend removing the phrase referencing preferential voting for United States Senators, but the question of how to make the change was unresolved. He added there was additional discussion as to whether "federal" should be added to the list of offices for which primary elections apply. Chair Sapphire said he has discussed these issues with Shari L. O'Neill, interim executive director and counsel, suggesting the possibility of having a report and recommendation for this section. However, he acknowledged the difficulty of developing a report and recommendation due to both staffing constraints and the need to send through a formal recommendation by the end of June. Nevertheless, in order to preserve a record of the committee's sense of the issue, Sapphire said he believes the committee should consider making a formal statement on this issue.

Ms. Bell stressed the importance of documenting as much of the committee's discussions as possible. She said she has no particular preference as to what form that documentation should take.

Committee member Patrick Fischer requested corrections to page four of the status memorandum dated May 11. He asked that, in reference to the topic of privacy the request should be described as coming from more than one committee member, and that the type of privacy to be considered was to have been electronic privacy.

Committee member Ed Gilbert requested an explanation of Chair Sapphire's plan to re-raise the issue of mental capacity to vote under Article V, Section 6. Chair Sapphire said he believes that because of the significant work of the committee on this issue, the Commission should consider the recommendation again. Committee member Doug Cole requested clarification as to whether Chair Sapphire would be acting in his individual capacity as a commissioner rather than as chair of the committee. Chair Sapphire confirmed he would make the request in his individual commissioner capacity.

Chair Sapphire requested any public comment. There was a question about the appropriate procedure for reintroducing the Article V, Section 6 report for Commission consideration. Chair Sapphire indicated he is working on that issue with staff and the Commission co-chairs.

**Adjournment:**

With no further business to come before the committee, the meeting adjourned at 11:37 a.m.

**Approval:**

The minutes of the May 11, 2017 meeting of the Bill of Rights and Voting Committee were approved at the June 8, 2017 meeting of the full Commission.

/s/ Richard B. Saphire  
Richard B. Saphire, Chair

/s/ Jeff Jacobson  
Jeff Jacobson, Vice-chair