



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### REVISED MINUTES OF THE CONSTITUTIONAL REVISION AND UPDATING COMMITTEE

FOR THE MEETING HELD  
THURSDAY, DECEMBER 12, 2013

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

Vice-chair Charles Kurfess called the meeting of the Constitutional Revision and Updating Committee to order at 12:30 p.m.

#### **Members Present:**

A quorum was present with Vice-chair Kurfess and committee members Abaray, Asher, Beckett, Cafaro, Murray, Obhof, Readler, and Walinski in attendance.

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

The minutes of the November 14, 2013 meeting of the committee were reviewed and approved.

#### **Presentation and Discussion:**

Vice-chair Kurfess recognized Bruce Cain, professor of political science at Stanford University, who presented to the committee via teleconference.

Prof. Cain focused on three main topics with regard to the initiative process: 1) Assuring there is a clear idea of what the initiative is trying to fix; 2) Outlining the reasons proponents choose the initiative process as opposed to the legislative process; and 3) Distinguishing what is harmless in the constitution versus real issues that need to be changed.

Prof. Cain outlined several differences between California's and Ohio's processes. He described that there is an industry in California for the purpose of getting initiatives on the ballot. Because so many initiatives are making it to the ballot, California voters are passing fewer and fewer of them each year. He noted that the Ohio General Assembly has the ability to amend or repeal statutory sections, while the California General Assembly does not have that power, a situation

that has led to using the initiative process in California as a way to check what the legislature is doing.

Prof. Cain said the California initiative process is not transparent, explaining that the people who finance the campaign have the initiative written and the general public has to take it or leave it. Prof. Cain said he believes the legislature should have the ability to change the statute, which would curb the number of initiatives being proposed in California.

Committee member Richard Walinski asked why California's Constitutional Modernization Committee abandoned in the 1990's. Prof. Cain explained that, originally, the governor assembled the committee to look at fiscal policy, but the more the committee looked into the initiative process it forced a change of the composition in the committee and the committee died.

Senator Capri Cafaro asked about California's threshold requirements for proposing an initiative. Prof. Cain explained the threshold for signatures is different depending on whether the initiative is for a fiscal policy or not.

Mr. Walinski inquired about whether allowing the legislature to present an alternative to a proposed initiative has produced good results in the two states that utilize that process. Prof. Cain said in both of those states there has never been an alternative presented and it does not seem to be a system yielding any results.

Vice-chair Kurfess asked if Prof. Cain has suggestions for how to keep subject matter that should not be in the constitution out of the constitution, wondering how to encourage the use of the statutory initiative for those issues. Prof. Cain answered he would suggest a subject matter restriction on initiatives.

**Adjournment:**

With no further business to come before the committee, the meeting adjourned at 2:14 p.m.

**Approval:**

The minutes of the December 12, 2013 meeting of the Constitutional Revision and Updating Committee were approved at the February 13, 2014 meeting of the committee.

/s/ Dennis P. Mulvihill  
Dennis P. Mulvihill, Chair

/s/ Charles F. Kurfess  
Charles F. Kurfess, Vice-chair