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OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

CONSTITUTIONAL REVISIONS & UPDATING COMMITTEE
DENNIS MULVIHILL, CHAIR
WEDNESDAY, JULY 10, 2013

Dr. Asher called the meeting of the Constitutional Revisions and Updating Committee to order at 12:26 pm and asked staff to call the roll. The following members were present: Ms. Janet Abaray, Dr. Herb Asher, Mr. Roger Beckett, Senator Obhof, Mr. Chad Readler, and Mr. Richard Walinski. A quorum was present and the committee proceeded as a full committee.

Dr. Asher asked the committee to review the minutes from the June meeting. Mr. Walinski motioned to approve the June minutes and Mr. Readler seconded the motion. Without objection, the minutes from the June meeting were approved.

Dr. Asher called the committee's first witness, Ms. Betsy Luper Schuster, Chief Elections Counsel for the Office of Ohio Secretary of State John Husted. Ms. Schuster presented to the committee a broad overview of the Secretary of State's role in the three procedures for putting an issue on the ballot: referendum, initiated constitutional amendment (by the citizenry or the General Assembly), and initiated statute.

Ms. Schuster provided statistics to highlight the likelihood of passage for each procedure, with data from 1912 to present: constitutional amendments proposed by the General Assembly are the most commonly utilized tool and usually pass, with 153 proposed, 102 approved, 51 unapproved; 72 proposed citizen-initiated constitutional amendments, 19 approved, 53 unapproved; citizen-initiated statutes are least likely to pass with 15 proposed, 5 approved, 10 unapproved. The witness noted the difficulty in measuring the success of referendum, depending on what side of the issue one falls, but that only 11 proposed, 2 approved, and 9 unapproved. Since taking office in 2011, 21 ballot issues have been filed with Secretary Husted's office, 12 of which have been certified and only 2 have appeared on the ballot.

The committee asked questions regarding the referendum and initiative process. A question was asked to the witness on whether any case law exists to govern items included in the state operating budget that do not include an appropriation, providing the abortion language included in HB 59 of the current General Assembly as an example. Ms. Schuster responded that previously, the law stated that anything intertwined with an appropriation was not subject to referendum, but under current law, only the appropriation takes immediate affect and is not subject to referendum, therefore allowing language not identified as such to be subject to referendum.

Mr. Readler asked the witness if there are things that cause friction in the process that this committee should consider. Ms. Schuster answered that the inconsistencies between the various processes cause delay, such as different definitions for calendar vs. business days. The committee welcomed the submission of formal recommendations on this issue from the Secretary of State.

Dr. Asher called the second witness to the stand at 1:04pm, Mr. Rick Robo, a member of the Ohio Delegation of the Independent Voters. Mr. Robo provided short oral testimony that included two suggestions: 1) the implementation of an open primary system paid for by political parties as opposed to Ohio taxpayers; and 2) that “independent” voters be classified as such, instead of the currently used term, “unaffiliated.” At the request of Mr. Readler, Mr. Robo agreed to supply the committee with written testimony at a later date, including a comparison of other states that have implemented the open primary policy.

Mr. Beckett suggested that Mr. Robo’s testimony might be more appropriate for the Bill of Rights and Voting Committee.

There being no further business before the committee, Dr. Asher adjourned the meeting at 1:18 pm.

/s/ Dennis Mulvihill
Dennis Mulvihill, Chair

/s/Charles Kurfess
Charles Kurfess, Vice-chair