



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE COORDINATING COMMITTEE

FOR THE MEETING HELD
THURSDAY, MAY 11, 2017

Call to Order:

Chair Kathleen Trafford called the meeting of the Coordinating Committee to order at 12:21 p.m.

Members Present:

A quorum was present with Chair Trafford, Vice-chair Davidson, and committee members Abaray, Craig, Fischer, and Mulvihill in attendance.

Approval of Minutes:

The minutes of the April 13, 2017 meeting of the committee were approved.

Reports and Recommendations:

Article V, Section 2 (Election by Ballot)

Chair Trafford recognized Richard Saphire, chair of the Bill of Rights and Voting Committee, to present a report and recommendation relating to Article V, Section 2. Mr. Saphire explained that his committee is recommending that the section be retained in its current form. He said this may be the shortest section in the constitution. He said the report describes its history, including a discussion of the Australian ballot, the concern for secrecy of the ballot, and ballot reform in the 19th and early 20th centuries. He said the only real issue that came up in the course of the review was whether to add the word "secret." He said the committee decided not to include it because the concept already is deeply embedded in Ohio law.

On motion by committee member Dennis Mulvihill, seconded by committee member Patrick Fischer, the committee voted unanimously to approve the report and recommendation.

Article I, Section 10 (The Grand Jury)

Chair Trafford recognized Janet Abaray, chair of the Judicial Branch and Administration of Justice Committee, to provide a summary of the report and recommendation for changes to the grand jury portion of Article I, Section 10.

Ms. Abaray described that the committee voted seven-to-one to recommend two changes to the grand jury process. She said one recommendation is to provide the accused the right to a transcript of testimony of any grand jury witness who will be called at the criminal trial. She said the second recommendation is for there to be a court-appointed grand jury legal advisor who would be present during the grand jury proceedings. She said the committee heard from multiple presenters, including professors, prosecutors, and Senator Sandra Williams. She said, although prosecutors urged that no change was necessary, a majority of the committee was concerned about the influence of prosecutors over the grand jury. She said the report is the result of a 20-month review of the grand jury process.

Ms. Abaray noted that the report was slightly amended at the committee's earlier meeting to indicate that a grand jury legal counsel should be appointed by the court rather than as provided by law.

On motion by Mr. Mulvihill, seconded by Vice-chair Davidson, the committee voted in favor of the proposed amendment, with one abstention.

Article II, Sections 1 through 1i, 15 and 17 (Constitutional Initiative, Statutory Initiative, and the Referendum)

Chair Trafford recognized Mr. Mulvihill, chair of the Constitutional Revision and Updating Committee, to provide a summary of the committee's report and recommendation relating to the initiative and referendum sections of Article II.

Mr. Mulvihill noted four amendments to the redraft of the sections that occurred at the meeting earlier that day, noting the amendments were not consequential but will go in the record. He said there were no changes to the report and recommendation being reviewed by the Coordinating Committee. Mr. Mulvihill outlined the goals of the committee, as well as the many changes recommended to the initiative and referendum process, including changes intended to streamline the process, to encourage the use of the statutory initiative, and to have proposed amendments on the ballot in even-numbered years in which voter turnout will be maximized.

On a motion to approve the report and recommendation by Ms. Abaray, seconded by Mr. Mulvihill, the committee voted unanimously in favor of the motion.

Article VII, Section 1 (Support for Persons with Certain Disabilities)

Chair Trafford recognized legal intern, Christopher Gawronski, reporting on behalf of Ed Gilbert, chair of the Education, Public Institutions, and Local Government Committee. Mr.

Gawronski summarized the committee's report and recommendation regarding Article VII, Section 1, which describes the state's responsibility to people in need of assistance.

Mr. Gawronski indicated that the report indicates the committee's recommendation that outdated and potentially offensive language in the section be changed, and that the state's responsibility to provide support has been clarified. He said the recommendation is the result of the committee's discussion and several presentations from experts in the field of mental health and disability.

On motion by Mr. Mulvihill, seconded by Justice Fischer, the committee voted unanimously to approve the report and recommendation.

Article VII, Sections 2 and 3 (Directors of Public Institutions)

Chair Trafford continued to recognize Mr. Gawronski for the purposes of summarizing the work of the Education, Public Institutions, and Local Government Committee on Article VII, Sections 2 and 3. Mr. Gawronski described that, after reviewing research and a presentation relating to the sections, the committee concluded these sections are obsolete and properly would be repealed.

Chair Trafford then entertained a motion by Mr. Mulvihill to approve the report and recommendation, and Justice Fischer seconded the motion. The committee voted unanimously in favor of the motion.

Gender-Neutral Language

Chair Trafford continued to recognize Mr. Gawronski for a summary of the committee's own report and recommendation related to removing gender specific language from the Ohio Constitution.

Mr. Gawronski described that the report indicates the committee's recommendation that gender-specific language currently in the constitution be replaced with gender-neutral language, if appropriate, as part of one comprehensive amendment. He said the report explains the general background of the consideration of gender-neutral language before describing the committee's conclusion that all instances of gender-specific language in the constitution should be replaced with gender-neutral language as part of a single, comprehensive amendment, with specific wording to be proposed by LSC.

On motion by Justice Fischer, which was seconded by Mr. Mulvihill, the committee voted unanimously to forward the report and recommendation to the full Commission.

Adjournment:

With no further business to come before the committee, the meeting adjourned at 12:47 p.m.

Approval:

The minutes of the May 11, 2017 meeting of the Coordinating Committee were approved at the June 8, 2017 meeting of the full Commission.

/s/ Kathleen M. Trafford
Kathleen M. Trafford, Chair

/s/ Jo Ann Davidson
Jo Ann Davidson, Vice-chair