



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### MINUTES OF THE COORDINATING COMMITTEE

FOR THE MEETING HELD  
THURSDAY, APRIL 9, 2015

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

Chair Kathleen Trafford called the meeting of the Coordinating Committee to order at 12:35 p.m.

#### **Members Present:**

A quorum was present with committee members Trafford, Davidson, Abaray, Coley, Fischer, Mulvihill, Obhof, and Sykes in attendance.

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

The minutes of the March 12, 2015 meeting of the committee were approved.

#### **Discussion**

Executive Director Steven C. Hollon appeared before the committee to raise the question of whether and how to address proposals for constitutional amendments submitted by citizens. Specifically, Director Hollon stated that Matt A. Mayer of Dublin, Ohio has proposed an amendment to Article XV (Miscellaneous), which staff has styled the "Use of Public Resources for the Collection of Labor Dues" amendment. In addition, Mr. Mayer has proposed an amendment to Article XV with a suggested title of a "Workplace Freedom" amendment.

Director Hollon submitted to the committee the question of the appropriate committee to which to assign these proposals, or whether the Coordinating Committee wants to consider the question and decide later.

Janet Abaray asked, procedurally, whether this is a mechanism if citizens want to amend. Specifically, shouldn't they use the initiative process?

Sen. Coley stated that the Commission has an obligation to listen to all citizens, but there is a political reality to the makeup of the Commission that would keep highly-charged political ideas from getting through the entire Commission.

Chair Trafford agreed, saying that was her understanding as well. She said "We had a lot of discussion that we would be soliciting information from the public, that we would give due consideration to ideas they have."

Director Hollon pointed out that the website encourages people to make suggestions to the whole Commission.

Ms. Abaray agreed that the Commission should listen to the public but she doesn't feel procedurally this works in that they would be bypassing the constitutional procedure.

Rep. Sykes asked about the procedure if someone submits something. She said she shares concerns about what the procedure is.

Director Hollon answered that these are the first two specific suggestions that have come in. Once a proposal comes in, he said staff brings it to the Coordinating Committee, which then decides which committee to assign it to. It is then up to the chair of that subject matter committee to bring it to the committee and see what the committee wants to do with it.

Vice-Chair Davidson said this situation is a little different. She said the Commission's charge is to review the current provisions and to recommend modifications and modernizations. She said this appears to be a recommendation to include two new sections, so we need to be cautious that we don't set a precedent about a shortcut method to do a proposal to amend the constitution. She asked "Shouldn't we take this question to the full Commission rather than to the Coordinating Committee?"

Dennis Mulvihill said he would like to think about it, and would like to look at our rules, maybe discuss with the full Commission, and discuss at future meetings.

Janet Abaray commented that if a citizen proposal goes to the legislature and they vote against it, what would then happen in the Commission; would the proponents bring it back for the Commission to further consider?

Chair Trafford answered that if the General Assembly decided not to act on the proposal, its backers would have to start the initiative process.

Dennis Mulvihill, who is chair of the Constitutional Revision and Updating Committee, then explained the direct initiative process as contained in Article II.

Director Hollon explained that an early draft of the Rules of Procedure and Conduct had a procedure for this type of matter, but the final adopted rules do not have any suggestion or recommendation of what to do in this situation, which is why he seeks guidance from this committee.

Chair Trafford suggested that the committee can report it has had this request and is seeking the Commission's guidance.

Vice-Chair Davidson said "we have hoped that citizens will contribute input as to modifying current provisions, but these are different, independent additions to the constitution." She said she worries about if many more of these come through the door, saying the Commission could be overloaded.

Chair Trafford said that may be a point for commission guidance. She said “We have set a precedent in assigning the privacy issue as a new concept to the Bill of Rights and Voting Committee.”

Patrick Fischer suggested the committee should think about it and bring it back on the agenda at the next meeting.

Janet Abaray said the committee could benefit from research as to whether this would be a constitutional problem, asking whether Senior Policy Advisor Steven H. Steinglass could weigh in on the issue.

Chair Trafford indicated that the committee will take this issue up at next month’s meeting.

Director Hollon then advised the committee that at its last meeting three reports and recommendations, relating to Article I, Sections 2, 3, and 4, had been approved and would be introduced at the Commission meeting on April 9, 2015. He outlined that a point of contention in the report and recommendation for Article I, Section 4 had been addressed through a minor modification that the Bill of Rights and Voting Committee had approved.

**Adjournment:**

With no further business to come before the committee, the meeting adjourned at 12:54 p.m.

**Attachments:**

- Notice
- Agenda
- Roll call sheet

**Approval:**

The minutes of the April 9, 2015 meeting of the Coordinating Committee were approved at the July 9, 2015 meeting of the committee.

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

Excused  
Jo Ann Davidson, Vice-Chair