

OCMC Quarterly

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Volume I

February 2015

OCMC Welcomes Three New Members

Representatives Robert R. Cupp, Nathan H. Manning, and Emilia Sykes have joined the Ohio Constitutional Modernization Commission as three new legislative members. The new members will replace former Speaker William G. Batchelder and former Representatives Matt Huffman and Vernon Sykes, who left the General Assembly at the end of 2014.

Cupp has served as an elected official in all three branches of government, at both the local and state levels. He has served as an Allen County commissioner, a four-term state senator, a court-of-appeals judge, and a justice of the Ohio Supreme Court. He also served as a city prosecutor, and most recently, Chief Legal Counsel to Ohio Auditor of State, Dave Yost. Cupp represents the 4th Ohio

House District, which includes all of Allen County.

Manning was an assistant prosecutor for the city of North Ridgeville before running for office. He is also involved with the North Ridgeville Chamber of Commerce, the Lorain County Bar Association, the Lorain County Historical Society, and is Vice President of the North Ridgeville Republican Club. He is currently serving his first term as state representative in the 55th Ohio House District, which includes a portion of Lorain County.

Sykes serves as Ranking Member of the House Finance and Appropriations Subcommittee on Health and Human Services. She also serves on the House Finance and Appropriations

Committee; House Judiciary Committee; House Ways and Means Committee; and the Joint Medicaid Oversight Committee. She represents the 34th Ohio House District in Akron.



Rep. Robert R. Cupp



Rep. Nathan H. Manning



Rep. Emilia Sykes



About the Commission

The **Ohio Constitutional Modernization Commission** was established by the 129th General Assembly with the passage of House Bill 188, as codified in Ohio Revised Code Section 103.61 through 103.67. The Commission is modeled after the 1970's Ohio Constitutional Revision Commission. The Ohio Constitutional Modernization Commission is charged under R.C. 103.61 with:

- studying the Constitution of Ohio;
- promoting an exchange of experiences and suggestions respecting desired changes in the Constitution;
- considering the problems pertaining to the amendment of the Constitution; and
- making recommendations from time to time to the general assembly for the amendment of the Constitution.

Committees

Standing Committees

Organization and Administration
Public Education and Information
Liaisons with Public Offices
Coordinating

Subject Matter Committees

Bill of Rights and Voting
Constitutional Revision and Updating
Education, Public Institutions, and Local Government
Finance, Taxation, and Economic Development
Judicial Branch and Administration of Justice
Legislative Branch and Executive Branch

Staff



Steven C. Hollon
Executive Director



Steven Steinglass
Senior Policy Advisor



Shari O'Neill
Counsel to the Commission



Shaunte Russell
Communications Director



Jennie Long
Administrative Assistant

Commissioners



Janet Gilligan Abaray



Rep. Ron Amstutz



Roger L. Beckett



Herb Asher



Karla L. Bell



Paula Brooks



Rep. Kathleen Clyde



Douglas R. Cole



Sen. Bill Coley



Rep. Michael F. Curtin



Rep. Robert R. Cupp



Jo Ann Davidson



Patrick F. Fischer



Edward L. Gilbert



Jeff Jacobson



Charles F. Kurfess



Larry L. Macon



Rep. Nathan Manning



Frederick E. Mills



Dennis P. Mulvihill



Sen. Larry Obhof



Sen. Bob Peterson



Chad A. Readler



Richard B. Saphire



Sen. Tom Sawyer



Sen. Michael Skindell



Rep. Emilia Sykes



Bob Taft



Pierrette Talley



Sen. Charleta B. Tavares



Kathleen M. Trafford



Mark Wagoner

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Commission Members Asher and Wagoner Serve as Panelists, Discuss Redistricting



Herb Asher

Commission members **Herb Asher** and **Mark Wagoner** served as panel members at an event titled “Making Ohio’s Electoral System a National Model” on December 10, 2014. The event was held at the Ohio State University Moritz College of Law and was sponsored by the law school in conjunction with the Bipartisan Policy Center. The panel discussion focused on the future of redistricting in Ohio. It was moderated by John Fortier, Director of the Bipartisan Policy Center’s Democracy Project. Asher, chair of the Commission’s Liaisons with Public Offices Committee,

spoke to the significant role the Commission has played in examining redistricting and noted the Commission has worked alongside other governmental groups and public interest concerns such as the League of Women Voters of Ohio to address the ongoing issues raised by the state’s redistricting efforts. Asher is Senior Vice President for Government Affairs and Counselor to the President at Ohio State University and a professor emeritus of political science at the university. Wagoner, chair of the Commission’s Organization and Administration

Committee, shared his optimism that the General Assembly would move on the issue of redistricting in the very near future (which the legislature did within one day of Wagoner’s comments). Wagoner is a former state representative and state senator from Toledo. He is a partner in the law firm of Shoemaker, Loop and Kendrick, LLP.



Mark Wagoner

Class at John Glenn School of Public Affairs Studies Commission



Students in a graduate level course at the **John Glenn School of Public Affairs** were assigned the Ohio Constitutional Modernization Commission as a class project for the fall semester. The course on oral and written policy communications is formulated to give students a real-world approach to public policy. Students **Beelam Azmat, Brittany Cline, Erin DeGiralomo, Darren Hobbs,** and **Alexis Miller** formed a team that evaluated specific issues pending before the Commission including

legislative redistricting and the “thorough and efficient clause” involving public education. Their assignment required them to complete a 10 page policy brief, 20 page holistic position paper, and final 30 minute oral presentation. As part of their assignment, the students met with **Steven C. Hollon**, Executive Director of the Commission for a one hour information gathering session and were permitted one 20 minute “lifeline” phone call to Hollon as they prepared their final work product. Hollon served as a judge on the panel that evaluated the final presentation conducted at the Glenn School in early

December.

Kim Ratcliff (MPA 1995 from the Glenn School) was the instructor for the course. She also serves as President of the John Glenn School of Public Affairs Alumni Society. For more information regarding the John Glenn School of Public Affairs, please contact 614.292.8696.

Judicial Branch and Administration of Justice Committee Recommends Repeal of Two Provisions

The Judicial Branch and Administration of Justice Committee is recommending the repeal of two sections contained in Article IV of the Ohio Constitution.

At its meeting in November 2014 the committee received a presentation by **Sen. Larry Obhof** on two reports and recommendations prepared by Commission staff recommending the repeal of the provisions.

The first report and recommendation reviewed by the committee concerns **Article I, Section 19**, which deals with courts of conciliation. The section was adopted as part of the 1851 Constitution and has not been amended since its adoption. The report and recommendation notes that the section has not been utilized since its adoption over 160 years ago, and is not necessary to authorize any existing or future alternative dispute resolution mechanisms. Thus, the committee concluded the



provision should be repealed because it is obsolete.

The second report and recommendation reviewed by the committee concerns **Article I, Section 22**, which deals with Supreme Court commissions. This section is not original to the 1851 Constitution, but was adopted as an amendment in 1875. The provision allows the General Assembly to create a separate commission to supplement the work of the Supreme Court because of an overburdened docket. Two commissions were created for short periods of time in the 1870s and 1880s and none have been created since. The committee recommended that the provision be repealed as being

obsolete because constitutional changes to the Supreme Court's organizational structure rendered the creation of a Supreme Court Commission unnecessary. As a result, the committee found the provision to be obsolete and recommended its repeal.

Pursuant to the Commission's Rules of Procedure and Conduct, reports and recommendations require two readings before a committee before they can be adopted. Committee adoption requires a majority of the committee, while adoption by the full Commission requires the approval of 22 out of the 32 members of the Commission. The committee considered the reports and recommendations for a second time at its meeting in January 2015 and voted to approve the items for recommendation to the full Commission.

Bill of Rights and Voting Committee Recommends No Changes to Three Bill of Rights Provisions

During its December 2014 meeting, the **Bill of Rights and Voting Committee** of the Ohio Constitutional Modernization Commission considered for the first time three proposed reports and recommendations regarding provisions in **Article I** of the Ohio Constitution. Article I of the Ohio Constitution contains Ohio's Bill of Rights. The reports and recommendations under consideration concern **Article I, Section 2** (Right to Alter, Reform or Abolish Government); **Article I, Section 3** (Right to Assemble); and **Article I, Section 4** (Bearing Arms; Standing Armies; Military Power). None of the proposed reports and recommendations recommends making any changes to the three constitutional provisions.

The report and recommendation on **Article I, Section 2** dealing with the right to alter, reform or abolish government, notes that the provision was adopted as an original part of the 1851 Constitution and has not been amended since its

adoption. The section is noteworthy because it states that **"all political power is inherent in the people"** and contains Ohio's equal protection clause, which predates the Fourteenth Amendment to the U.S. Constitution.

The report and recommendation on **Article I, Section 3**, dealing with the right to assemble, was also adopted as part of the 1851 Constitution and has not been amended since its adoption. Although similar to the First Amendment to the U.S. Constitution regarding the right to assemble and the ability of citizens to petition the government for redress of grievances, this section does not also address the right to free speech and freedom of religion, which are addressed elsewhere in the Ohio Constitution.

The report and recommendation on **Article I, Section 4**, dealing with the right to bear arms, standing armies, and the military being subordinate to civil power, is original to the 1851 Constitution, but is built upon a similar

provision in Ohio's first constitution adopted in 1802. As with the other provisions reviewed in the proposed reports and recommendations, it has not been amended since it was adopted. The section notes that **"the people have the right to bear arms for their defense and security" and that "standing armies, in time of peace, are dangerous to liberty."**

The three reports and recommendations were prepared by Commission staff based upon discussion by committee members at prior committee meetings and a consensus that they should not be altered. Pursuant to the Commission's Rules of Procedure and Conduct, reports and recommendations require two readings before a committee before they can be adopted. Committee adoption requires a majority of the members of the committee, while adoption by the full Commission requires the approval of 22 out of the 32 members on the Commission.

OCMC Aids in Redistricting Efforts



Vernon Sykes

The Ohio General Assembly has passed a joint resolution proposing a constitutional amendment revising the way Ohio draws districts for the state legislature.

Late in the session of the 130th Ohio General Assembly, a compromise was reached between leaders from both chambers of the General Assembly and representatives of both major political parties calling for a revised method of drawing the districts for the 99 House districts and 33 senate districts.

The two principal legislative leaders involved with marshaling the compromise through the General Assembly served on the Ohio Constitutional Modernization Commission and publicly credit the work of the Commission for aiding in the efforts leading to the adoption of the joint resolution. **Rep. Vernon Sykes (D – Akron)** and **Rep. Matt Huffman (R – Lima)** served on the Commission's **Legislative Branch and Executive Branch Committee** that heard

testimony on the issue and discussed at length various proposals to change the method of drawing legislative districts.

Rep. Sykes gave praise to the work of the Legislative Branch and Executive Branch Committee and the full Commission in helping to foster an environment in which a compromise

“the work that was started in the Ohio Constitutional Modernization Commission was paramount to the broad bipartisan support of HJR12 “

could be reached. He stated in the January 2nd edition of *Hannah Reports*, “the issue that will be put before the voters represents months of work by a countless number of people that truly care about improving our current process. Working with stakeholders and experts from both sides of the aisle, we believe these

changes create a system that will be more competitive, more transparent, fairer, and one that will keep our communities together. The work that was started in the Ohio Constitutional Modernization Commission was paramount to the broad bipartisan support of **HJR12**. Now it's time to make sure every Ohioan gets a chance to be part of fixing a broken system next November.”

The proposed constitutional amendment will now require a seven person panel to draw new legislative districts instead of the current five and requires the approval of two minority panel members in order to adopt a new legislative map. The ballot measure seeking adoption of the amendment is expected to be on the November 2015 general election ballot.



Matt Huffman

**OHIO
CONSTITUTIONAL
MODERNIZATION
COMMISSION**

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Ohio Constitutional
Modernization Commission



**OCMC Meeting Schedule
2015**

March 12
April 9
May 14
June 11
July 9
August 13
September 10
October 8
November 12
December 10



Dare Heisterman and Morgan A. Cheek

MEET OUR FALL SEMESTER INTERNS

Morgan A. Cheek and Dare E. Heisterman assisted the Ohio Constitutional Modernization Commission as interns for the fall semester through the Legislation Clinic at the Moritz College of Law at Ohio State University.

The Legislation Clinic is an academic program that places second and third year law students in a variety of suitable professional settings in the Ohio legislature and related organizations in and around the Ohio Statehouse.

Cheek graduated with honors from Florida Gulf Coast University. She has been recognized as the youngest graduate in the history of the school – graduating at the age of 18. She is a second year law student and serves as President of the Federalist Society and Vice President of the Labor and Employment Law Association. While working with the Commission, Cheek provided research on school funding cases in Ohio and gave a presentation to the Coordinating Committee regarding the timeline and requirements for making constitutional amendments.

Heisterman graduated magna cum laude from the University of Akron where he received a Bachelor of Science degree in labor economics. He is slated to graduate in May 2015. Heisterman is Managing Editor for the Ohio State Journal of Criminal Law and a member of the Ohio State Business Law Society. While working for the Commission, Heisterman provided research on Article I, Section 6 of the Ohio Constitution prohibiting slavery in the state and provided additional background research on a variety of topics.

Professor Steven F. Huefner is the Director of Clinical Programs at the Moritz College of Law and the Legislation Clinic Director and provided invaluable assistance to Cheek, Heisterman, and Commission staff throughout the fall semester. For more information regarding the Legislation Clinic, contact the Moritz College of Law, Ohio State University at 614.292.6821.