



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

REVISED MINUTES OF THE CONSTITUTIONAL REVISION AND UPDATING COMMITTEE

FOR THE MEETING HELD
WEDNESDAY, JULY 10, 2013

Call to Order:

Committee member Herb Asher, acting as chair on behalf of Chair Dennis Mulvihill, called the meeting of the Constitutional Revision and Updating Committee to order at 12:26 p.m.

Members Present:

A quorum was present with committee members Abaray, Asher, Beckett, Obhof, Readler, and Walinski in attendance.

Approval of Minutes:

The minutes of the June 13, 2013 meeting of the committee were reviewed and approved.

Presentations and Discussion:

Mr. Asher recognized 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, constitutional amendment (either initiated by the citizenry or proposed by a joint resolution of 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. She said constitutional amendments proposed by the General Assembly are the most commonly utilized tool and usually pass, with 153 proposed, 102 approved, and 51 unapproved. She said there have been 72 proposed citizen-initiated constitutional amendments, with 19 approved and 53 unapproved. She said citizen-initiated statutes are least likely to pass, with 15 proposed, five approved, and ten unapproved.

Ms. Schuster noted the difficulty in measuring the success of the referendum, depending on what side of the issue one falls, but that only 11 have been proposed, with two approved, and nine

unapproved. She said, since Secretary Husted took office in 2011, 21 ballot issues have been filed with his office, 12 of which have been certified and only two 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 House Bill 59 of the 130th 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 effect and is not subject to referendum, thereby allowing language not identified as such to be subject to referendum.

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

Mr. Asher then recognized Rick Robol, a member of the Ohio Delegation of the Independent Voters. Mr. Robol provided 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. Robol agreed to provide written testimony at a later date, including a comparison of other states that have implemented the open primary policy.

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

Adjournment:

With no further business to come before the committee, the meeting adjourned at 1:18 p.m.

Approval:

The minutes of the July 10, 2013 meeting of the Constitutional Revision and Updating Committee were approved at the August 8, 2013 meeting of the committee.

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

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