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Charleta B. Tavares
Assistant Minority Leader
15th Senate District



Co-Chair
William G. Batchelder, Speaker
69th House District

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MEMORANDUM

To: Speaker Batchelder & Senator Tavares, Co-Chairs

From: Charles Kurfess, Vice-Chair
Constitutional Revision and Updating Committee

Re: Report on April 10, 2014 Committee Meeting

Date: April 29, 2014

The Constitutional Revision and Updating Committee of the Ohio Constitutional Modernization Commission met on April 10, 2014, to continue its review of its assigned topics. In the absence of Committee Chair Dennis Mulvihill, Vice-Chair Charles Kurfess chaired the meeting.

Members Present: Janet Abaray, Herb Asher, Charles Kurfess, Mike Curtin, Larry Obhof, Chad Readler, Tom Sawyer, and Mark Wagoner

Topics Discussed: The statutory and constitutional initiative

Witnesses: Steven H. Steinglass, Senior Policy Advisor

Working off a draft memorandum on *Strengthening Ohio's Statutory Initiative* (April 9, 2014) prepared by Dean Steinglass, the Committee reviewed ways in which Ohio's indirect statutory initiative could be made stronger in the hope that a stronger statutory initiative would make the use of the direct constitutional initiative less frequent. The committee discussed a broad range of issues concerning the statutory initiative, including the geographic distribution and signature requirement (which is currently 44 counties and 3% of the vote in the last gubernatorial election), the resolution of conflicts between prior statutes and initiated statutes, the use by ten various states of mechanisms for insulating initiated statutes from repeal or amendment, and the requirement of a supplementary petition.

The committee also discussed a number of issues involving the constitutional initiative, including the geographic distribution and signatures requirement (which is currently 44 counties and 10% of the vote in the last gubernatorial election), the percentage of signatures required in other jurisdictions, the percentage of votes required for approval (which is a majority of votes on

the issue in Ohio and in most of the other states that permit constitutional initiatives), and the possibility of giving the General Assembly an opportunity to play a deliberative role in the process through the placement of proposed alternative amendments before the voters.

Votes Taken: The Committee unanimously approved a motion by Rep. Curtin, seconded by Mark Wagoner, to have language prepared by the Legislative Service Commission to modify the statutory initiative in the following ways: (a) to reduce the number of counties from which signatures had to be obtained from 44 to 22, and (b) to establish a five-year period during which the General Assembly could only revise or repeal an initiated statute approved by the voters by a two-thirds vote. Rep. Curtin will seek to have the Legislative Services Commission prepare a draft of the proposal in proper format for further discussion and consideration by the Committee.

Future Items to Review: The Committee expressed interest in obtaining additional information about both the statutory and constitutional initiatives. This will include

- review of other states' relevant provisions on the statutory and constitutional initiative
- review of the use of supplementary petitions in states, like Ohio, that have an *indirect* statutory initiative
- identification and review of the constitutional initiative in states (unlike Ohio) that require greater than 50% votes to approve proposed amendments
- identification of ways in which the General Assembly can be given a deliberative role that would permit it to present alternative constitutional amendments to the voters.

Future Meetings. The Committee will address any drafts that it has received from the Legislative Services Commission as well as the above topics at its future meetings. At appropriate times, it will seek additional testimony from experts and interested parties on the issues before it.