



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

---

### MINUTES OF THE COORDINATING COMMITTEE

FOR THE MEETING HELD  
THURSDAY, MARCH 12, 2015

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

Chair Kathleen Trafford called the meeting of the Coordinating Committee to order at 1:10 p.m.

#### **Members Present:**

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

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

The minutes of the January 15, 2015 and the February 12, 2015 meetings of the committee were approved.

#### **Reports and Recommendations**

*Article I, Section 2 (Right to Alter, Reform, Abolish Government; Repeal Special Privileges)*

*Article I, Section 3 (Right to Assemble)*

*Article I, Section 4 (Bearing Arms; Standing Armies; Military Power)*

Executive Director Steven C. Hollon presented three reports and recommendations from the Bill of Rights and Voting Committee on Article I, Section 2, Section 3, and Section 4.

In presenting the report and recommendation on Article I, Section 2 (Right to Alter, Reform, or Abolish Government, and Repeal Special Privileges), Director Hollon indicated that the committee recommended no change to the existing section. Committee member Judge Patrick Fischer motioned to approve the report and recommendation and to forward it to the Commission. Vice Chair Jo Ann Davidson seconded the motion and the committee unanimously voted to approve the report and recommendation.

In presenting the report and recommendation on Article I, Section 3 (Right to Assemble), Director Hollon indicated the committee recommended no change to the existing provision. Committee member Dennis Mulvihill motioned to approve the report and recommendation and to forward it to the Commission. Judge Fischer seconded the motion and the committee unanimously voted to approve the report and recommendation.

In presenting the report and recommendation on Article I, Section 4 (Bearing Arms; Standing Armies; Military Power), Director Hollon indicated the committee recommended that no change be made to this provision.

Committee member Sen. Larry Obhof said he is not comfortable with a paragraph in the report and recommendation as it relates to the decision of the U.S. Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008). Sen. Obhof said he is not sure it is accurate to say that federal courts prior to *Heller* had construed the Second Amendment to the U.S. Constitution as not granting individuals a right to bear arms. He said he had prepared a brief that indicates otherwise, and would suggest deleting that sentence.

Chair Trafford said it might be necessary to send the report and recommendation back to the committee to see if members of the committee would accept that kind of change. She inquired whether Sen. Obhof was making a motion do that.

Director Hollon commented that, per the Rules of Procedure and Conduct, the Coordinating Committee does not have the ability to amend the report. He said the committee can either send it back to the recommending committee or forward it to the Commission, with a notation that there is concern about the language Sen. Obhof has raised.

Judge Fischer noted that there were contradictory federal decisions so Sen. Obhof is correct. Mr. Mulvihill indicated he would like to have a copy of Sen. Obhof's brief.

Vice Chair Davidson asked whether the committee could prepare language that would be appropriate for an amendment so that the committee could keep the process moving.

Professor Richard Saphire, chair of the Bill of Rights and Voting Committee, who was attending the Coordinating Committee meeting, stated he is not sure the language is necessary to the report and recommendation, and that he believes his committee would acquiesce to deleting it or rephrasing it. He said he doesn't see changing the wording as controversial. Sen. Obhof said he would agree with that option.

Sen. Obhof motioned to approve the report and recommendation, with a notation that consideration be given to the change he suggested, and to forward it to the Commission. Vice Chair Davidson seconded the motion, and the committee unanimously voted to approve the report and recommendation.

### **Adjournment:**

With no further business to come before the committee, the meeting adjourned at 1:30 p.m.

**Attachments:**

- Notice
- Agenda
- Roll call sheet
- Reports and Recommendations: Article I, Section 2, Section 3, and Section 4

**Approval:**

The minutes of the March 12, 2015 meeting of the Coordinating Committee were approved at the April 9, 2015 meeting of the committee.

*/s/ Kathleen M. Trafford*

---

Kathleen M. Trafford, Chair

*/s/ Jo Ann Davidson*

---

Jo Ann Davidson, Vice-Chair