



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE

FOR THE MEETING HELD
THURSDAY, APRIL 14, 2016

Call to Order:

Chair Fred Mills called the meeting of the Legislative Branch and Executive Branch Committee to order at 2:41 p.m.

Members Present:

A quorum was present with Chair Mills, Vice-chair Brooks, and committee members Asher, Coley, McColley, Taft, and Tavares in attendance.

Approval of Minutes:

The minutes of the February 4, 2016 meeting of the committee were approved.

Chair Mills indicated the minutes of the March 9, 2016 meeting of the Subcommittee on Congressional Redistricting would be presented for approval at a future meeting.

Report and Recommendation:

Chair Mills provided a status update on a report and recommendation for a constitutional provision relating to Congressional redistricting. He said because outstanding issues were still being negotiated and discussed at the committee's February 4, 2016 meeting, it was decided that the proposal would be considered by a subcommittee consisting of Chair Mills, Senator Charleta Tavares, Representative Robert McColley, and Vice-chair Paula Brooks. He said, prior to the subcommittee's meeting on March 9, 2016, a working group was formed that included interested parties, and the working group met on several occasions to discuss various options. He then called on Sen. Tavares to give a report on the activities of the working group.

Sen. Tavares thanked working group participants, who included Rep. McColley, Professor Richard Gunther, Commission member Jeff Jacobson, Chris Glassburn, and staff from both the

Senate and House Democratic Caucuses. She said the group basically started with the Congressional redistricting joint resolution draft (“0157”) that was before the committee. She said the 0157 draft was based on the joint resolution for legislative redistricting reform that resulted in Issue 1, which was adopted by voters in November 2015. She said the legislative redistricting structure, consisting of a rules-based system and the requirement of bipartisan support of a ten-year redistricting plan, was retained in the draft joint resolution for Congressional redistricting.

Sen. Tavares described the working group’s process as “engaging and substantive on many fronts.” She said the group considered ideas for making sure that districts preserve communities and that there is fair representation of citizens of Ohio. She noted issues the group still needs to work on, specifically the number of splits between counties and other government subdivisions. She said the group reached consensus on the number of splits, and that “we think we can get there, the parties truly want to make it work,” but that the group needs to consider the size of counties that are included as whole Congressional districts, with a goal of avoiding gerrymandering. She said there are outstanding issues related to the size of the counties that will be protected if they do not have a whole district within that county. She said the group also wants to make sure not to encourage gerrymandering.

Chair Mills said he is not sure he has anything to add, but that it is an ongoing process. He said the committee remains optimistic that it can reach a successful conclusion on the issue but that more meetings and discussions are needed.

There being no questions from committee members or attendees, Chair Mills said the full committee will meet in May, and will have Congressional redistricting on the agenda as being up for a vote, but he is not sure there will be a vote. He said, in the meantime, the people who have been working on this issue will continue to do so.

Sen. Tavares asked whether the timeline for the subcommittee was still in effect. Chair Mills said his opinion is that the subcommittee continues to exist, and that, although it did not conclude its work within the time frame, he does not want to be confined to a time frame. He said it is his plan to continue moving forward, and to have the working group continue its negotiations and send its conclusions back through the subcommittee and then through this committee.

Presentations:

Chair Mills then recognized Steven C. Hollon, executive director of the Commission, to present a memorandum dated April 7, 2016, and titled “Grouping of Article II Sections by Topic for Review by the Committee,” summarizing the sections of Article II assigned to the committee and providing a potential road map for the committee’s completion of its review.

Mr. Hollon observed that many sections of Article II are related and may be grouped together, although they are not sequentially numbered. He said he tried to place these in some broad categories, noting that some sections might lend themselves to consideration by the committee at the same time. Mr. Hollon said his memorandum is not intended as a recommendation for

committee action, but rather to suggest ideas for moving forward. He described that the various sections are grouped into nine or ten categories.

Mr. Hollon suggested the committee could discuss the sections in groups, as well as considering whether Article II should be reorganized to make it easier to read.

Chair Mills thanked Mr. Hollon for the memorandum and presentation and opened the floor for questions.

Committee member Herb Asher asked whether Mr. Hollon had recommendations for organizational restructuring, or whether his focus was on substantive changes.

Mr. Hollon said the committee first should consider whether to group sections together for the purposes of preparing reports and recommendations. He said the committee could secondarily ask whether there should be some reorganization.

Chair Mills expressed that the committee would look at both the structure and substance of the sections of Article II. He said he favors a methodical approach to the review, but the committee should think about policy considerations. He continued that he would like to take the same approach for the committee's review of Article III (Executive Branch). He said his plan at the next meeting is to try to arrive at a consensus about how to proceed, specifically whether to prepare reports and recommendations for each section or to combine sections, whether to make substantive changes in any of the sections, and to identify possible presenters.

Ms. Brooks asked whether the Ohio Constitutional Revision Commission in the 1970s considered reorganizing these sections.

Senior Policy Advisor Steven H. Steinglass answered that the 1970s Commission recommended that sections relating to the initiative and referendum be moved to Article XVI, which would have been a major reorganization, but the General Assembly did not accept that restructuring. He said one major accomplishment of the 1970s Commission was to rework Article II, resulting in multiple sections being revised, moved, or repealed.

Chair Mills noted the 1973 changes that were suggested for Article II modernized much of the legislative article. He said there may not be a need to change those sections, but the committee should review them to be certain. He added he does not think there has been a total review of Article III for some time.

Mr. Steinglass observed that the only Article III changes have related to sections addressing the disability of the governor, and addressing the governor and lieutenant governor running on the same ticket.

Chair Mills asked for questions and comments regarding how the committee should proceed.

Governor Bob Taft asked whether Chair Mills plans to proceed in the numerical order of the sections or whether the committee would first review provisions where there is an apparent need

or desire for change. He suggested the committee might prioritize sections for which there is a sense that change is desirable.

Chair Mills said he has not decided how to proceed, but thought it might be best to stick to a schedule, reviewing the sections item by item. He asked committee members to let him know at the next meeting how they think the committee should proceed.

Adjournment:

There being no further business to come before the committee, the meeting was adjourned at 3:13 p.m.

Approval:

The minutes of the April 14, 2016 meeting of the Legislative Branch and Executive Branch Committee were approved at the May 12, 2016 meeting of the committee.

/s/ Fred Mills

Frederick E. Mills, Chair

/s/ Paula Brooks

Paula Brooks, Vice-chair