

Memorandum

To: Honorable William G. Batchelder and Honorable Vernon Sykes.
Co-Chairs, Ohio Constitutional Modernization Commission

From: Commissioner Judith L. French, Vice-Chair, Bill of Rights and Voting Rights
Committee

Re: Report of the October 10, 2013 Committee Meeting

Date: November 5, 2013

Gentlemen,

On October 10, 2013, the Bill of Rights and Voting Rights Committee met, a quorum being present.

The purpose of our meeting was to consider a draft outline and timetable for review of the constitutional provisions and issues within our assigned topics.

We reached consensus on the attached outline. This "roadmap" identifies the order in which we intend to consider various topics, as well as the number of meetings we believe we will spend on each one. We intend the outline as a guideline for our future meeting agendas and hope that it will provide notice to commission leadership, commission members, and the interested public. Nevertheless, our intention is to keep our discussions and schedule flexible and to allow as much time as is necessary for complete consideration.

BILL OF RIGHTS COMMITTEE: OUTLINE FOR REVIEW
DRAFT DATE 10/30/13

I. OVERVIEW OF OTHER STATE CONSTITUTIONS AND INTERNATIONAL HUMAN RIGHTS DOCUMENTS

- what else do they include?
- what do they eliminate?
- do they suggest "best practices" worth considering?

Time estimate: two meetings

II. REVIEW OF OHIO PROVISIONS:

- A. TIER I: Provisions that appear to be non-controversial and, therefore, may not require receipt of testimony.

From Article I:

Section 2: Special Privileges
Section 6: Slavery and Involuntary Servitude
Section 13: Quartering of Troops
Section 17: Heredity Privileges
Section 20: Powers reserved to the people

From Article V:

Section 8: Term Limits for U.S. Senators and Representatives
(superceded by *U.S. Term Limits v. Thornton*, 514 U.S. 779
(1995)(holding that states may not set term limits for members
of Congress))

Time estimate: one meeting

- B. TIER II: Provisions that appear to require some reflection and possible explanation or revision. Each of these topics may require one or more meetings for review and testimony.

From Article I:

Section 2: Inherent Power/Equal Protection
Section 3: Right to Assemble and Petition
Section 4: Right to Bear Arms
Section 7: Rights of Conscience; No Religious Test

From Article V:

Section 6: Idiots or Insane Persons

Time estimate: six meetings

- C. TIER III: Provisions that appear already to have proponents of change. Each topic will require more than one meeting for review and testimony.

From Article I:

Section 19: Inviolability of Private Property (Takings)

Section 21: Preservation of Freedom to Choose Health Care

Time estimate: three meetings

- D. TIER IV: Provisions relating to voting rights. Some may require coordination with other committees, e.g., Judicial Branch.

From Article V:

Section 1: Who May Vote

Section 2: By Ballot

Section 2a: Names of Candidates on Ballot

Section 4: Exclusion From Franchise

Section 7: Primary Elections

Section 9: Eligibility of Office Holders

From Article XVII:

Section 1: Time For Holding Elections; Terms of Office

Time estimate: five meetings

III. CONSIDERATION OF ADDITIONAL PROVISIONS.

This will include any draft provisions resulting from the committee's review of other Constitutions.

For example:

- should the Ohio Constitution include an explicit "right to privacy"?
- should the Constitution include provisions concerning "voting administration"?
- consideration of proposals submitted by public.

Time estimate: four meetings

IV. GENERAL OR ASPIRATIONAL PROVISIONS.

Each provision will require thoughtful reflection and possible redrafting, which will be easiest toward the end of the process.

From Article I:

Preamble

Section 1: Inalienable Rights

Section 2: Right to Alter Government

Time estimate: two meetings

V. DRAFTING REPORT

Time estimate: two meetings