

The Ohio Senate
Keith Faber, President
Eric Kearney, Minority Leader



The Ohio House of Representatives
William G. Batchelder, Speaker
Armond Budish, Minority Leader

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

Recommendations and Items for Discussion from Education and Ethics

Ohio Constitutional Modernization Commission Rules of Procedure and Conduct (Working outline with Recommendations and Open Issues)

1. Statutorily prescribed objectives of the Ohio Constitutional Modernization Commission:

- a. To study the Constitution of Ohio, and
- b. To promote an exchange of experiences and suggestions respecting desired changes in the Constitution;
- c. To consider the problems pertaining to the amendment of the Constitution;
- d. To make recommendations from time to time to the General Assembly for the amendment of the Constitution.

2. Grants, gifts, bequests.

- a. [Ohio Rev. Code § 103.65 allows the Commission
to receive grants, gifts, bequests, and devises but solely for the purpose of reimbursing members for actual and necessary expenses incurred while engaged in official duties, or for the purpose of meeting expenses incurred in any special research or study relating to the Constitution of Ohio.
- b. The Commission may choose to establish its policy on these gifts early and formally, perhaps in its Rules of Procedure/Conduct.
 - i. If the Commission elects to receive “grants, gifts, bequests and devises,” § 103.65 requires the Commission to
file annually with the auditor of state, on or before the fifteenth day of March, a full report of all grants, gifts, bequests, and

devises received during the preceding calendar year, stating the date when each was received and the purpose for which the funds received therefrom were expended.]

3. **Procedural Rules for conducting the Commission's work:**

- a. **Meetings of the Commission** [Drawn from the Rules believed to have been adopted by the 1970s' Constitutional Revision Commission].
 - i. The Co-Chairs or either of them will preside at all Commission meetings, shall maintain order, and decide questions of order, subject to appeal to the Commission.
 - ii. [Should the Rules provide for determining who is preside in the absence of the Co-Chairs? The Commission might choose to establish a Rule
 1. leaving it to the Co-Chairs to designate a temporary chair, or
 2. requiring a permanent designation of an acting chair, or
 3. leaving the Rules silent.]
 - iii. [The Commission might identify which of the various Rules of Order will be] the parliamentary authority for determining questions of order not otherwise covered by these Rules or by law. [The 1970s' Constitutional Revision Commission chose Robert's Rules of Order.]
 - iv. The Commission shall meet once a month on a date specified by the Co-Chairs and at such other times at the call of the Co-Chairs. [Some provision should be made for public announcement of the meetings at a consistent interval before each meeting. The 1970s' Constitutional Revision Commission required seven days' advance notificatipon.]
 - v. All meetings of the Commission and of its committees and subcommittees will be conducted in public sessions.
 - vi. [Here prescribe how and the extent to which the proceedings of the Commission with be recorded and preserved.]
- b. **Quorum and Voting** [Drawn from the Rules believed to have been adopted by the 1970s' Constitutional Revision Commission].
 - i. The presence of █ members of the Commission constitutes a quorum to do business. All issues, including changes to these Rules, shall require the affirmative vote of █ members for approval, except as otherwise provided.
 - ii. No member may vote by proxy.

iii. Recommendations to the General Assembly require the affirmative vote of 22 member of the Commission.

c. Committees and Subcommittees.

i. [Here prescribe a Rule regarding the composition of all Standing and Subject-Matter Committees formed by the Commission.

1. Maximum number of members?

a. The 1970s' Constitutional Revision Commission established a fixed number of eight members for its Standing Committees.

b. The 1970s' Constitutional Revision Commission's Rules stated that "Each Commission member shall be assigned to one standing committee and one subject matter committee."

c. Was eight selected because it is the smallest whole number that could reflect the ratio of legislators to public members of the 1970s' Constitutional Revision Commission? Should a Rule prescribe the composition of all interim and standing Committees formed by the Commission? Should the ratio of legislative members be prescribed?]

ii. [Here prescribe the method for appointment to the Committees formed by the Commission.

1. The 1970s' Constitutional Revision Commission's Rules prescribed:

The Chairman, unless otherwise provided, with the advice and consent of the Organization and Administration Committee, shall appoint members to committees and shall name the chairman and vice-chairman of each committee, who shall not be members of the same political party.]

iii. [Here list the Standing Committees formed by the Commission.]

iv. Each Committee formed by the Commission may determine its own rules with respect to frequency and place of meeting. Each Subject Matter Committee must hold at least one public meeting before making its recommendations to the Commission.

- v. Each Committee formed by the Commission may determine the number and composition of its subcommittees.
- d. [Here prescribe how the Commission will decide which constitutional provisions and what proposals for amending the Constitution to study?
 - i. Should the positive vote of some number of the Commission's members be required?]
- a. [Here prescribe the methods and procedures for the fact-finding sessions of the Commission and its committees.]
- b. [Here prescribe the Rules covering the interaction of the Commission and its members with the media.]
 - i. How meetings are to be conducted;
 - ii. When and how the public can communicate with the Commission]
- c. The Commission will follow the principles of drafting contained in the "Bill Drafting Manual" of the Ohio Legislative Service Commission.

4. Aspirational rules to guide the Commission and its Members:

- a. The Commission hopes to receive, from every citizen of the State, every idea that anyone has regarding whether to change or preserve any part of the Constitution. [Drawn from the Arkansas Revision Commission]
- b. Members of the Commission should not make up our minds, either individually or as a commission, on which of the possibilities Members of the Commission will choose until Members of the Commission have had a reasonable time to study all of them and have made
 - i. a thorough preliminary study of the present Constitution with all its clauses and amendments, and
 - ii. some further analysis of public opinion in regard to what the citizens of Arkansas want us to do. [Drawn from the Arkansas Revision Commission]

- c. The Commission will avoid recommending changes solely for the purpose of improving language or arrangement unless the proposed changes serve the purposes of improving understanding, clarity, and logic of arrangement. [Drawn from the Rules adopted by the 1970-77 Constitutional Revisions Commission]

[Possible change: “. . . unless the proposed changes serve to clarify an unresolved ambiguity in the current text.”] [NB: This deviates slightly from the 1970s’ formulation]
 - d. Members of the Commission should commit themselves to listen to and to consider the opinions and interest of all participants in the proceedings of the Commission. [Drawn from the Rules adopted by the 1970-77 Constitutional Revisions Commission]
 - e. Members of the Commission, when speaking about revision outside of the Commission, will speak only for themselves and not for the Commission

[Possibly add: “Members will not ascribe views or opinions to other members of the Commission.”]
 - f. *Commissioners will not take a position for or against constitutional issues and questions other than [subjects than subjects on which] the Commission recommendations.* [Drawn from the Rules adopted by the 1970-77 Constitutional Revisions Commission]
5. *Expenses.* [Policy of the Commission is yet to be determined.]