

OCMC BILL OF RIGHTS AND VOTING COMMITTEE DISCUSS VOTING RIGHTS FOR MENTALLY DISABLED; REPORTS AND RECOMMENDATIONS

December 15, 2014

During its December meeting the Bill of Rights and Voting Committee continued its discussion regarding voting rights for the mentally challenged, found in Article V, Section 6 (Idiots and Insane Persons) of the Ohio Constitution.

Michael Kirkman, executive director of Disability Rights Ohio, a not for profit corporation whose mission is to advocate for the human, civil, and legal rights of people with disabilities, presented on concerns raised by Article V, Section 6 that states, “no idiot or insane persons, shall be entitled to the privileges of an elector.” He recommended Article V, Section 6 be repealed without replacement, suggesting that it is unconstitutional under the U.S. Constitution and may violate the American with Disabilities Act (ADA) to disenfranchise persons having a diminished mental capacity. In the alternative, he recommended that the revision be replaced with the affirmative language that no elector be denied the right or privileges of an elector because of disability.

The Bill of Rights and Voting committee also discussed its reports and recommendations given for Article I, Section 2 (Right to Alter, Reform or Abolish Government), Article I, Section 3 (Right to Assemble), and Article I, Section 4 (Bearing Arms; Standing Armies; Military Power). The committee is recommending no changes be made to these articles and sections and that the provisions be retained in their current forms.

About the Ohio Constitutional Modernization Commission

The OCMC was created in 2011 by the Ohio General Assembly in House Bill 188 of the 129th General Assembly. It is modeled after the Ohio Constitutional Revision Commission which completed its work in the 1970’s.