

October 10, 2014

BILL OF RIGHTS AND VOTING
ARTICLE V SECTION 4 - EXCLUSION FROM FRANCHISE
ARTICLE V SECTION 6 - IDIOTS AND INSANE PERSONS

Ohio State University Law Professor Douglas A. Berman addressed the Bill of Rights and Voting Committee on Thursday, October 9, to speak on disenfranchisement of felons.

Article V, Section 4 of the Ohio Constitution currently states that, “the General Assembly shall have power to exclude from privilege of voting, or of being eligible to office, any person convicted of a felony.” Ohio currently allows convicted felons to vote once released from prison but prohibits them from voting while incarcerated.

According to Berman, a study done by the Sentencing Project, a non-profit organization advocating reform of criminal sentencing laws, shows that 5.85 million Americans are prohibited from voting due to laws that disenfranchise citizens convicted of felony offenses. He also stated that about .6% of Ohioans or around 52,000 are incarcerated felons and of that number, about 25,000 are minorities. As a result, Berman said, felony disenfranchisement disproportionately affects minorities.

Berman also suggested that Maine and Vermont, states that presently have no restrictions on voting and allow felons to vote while incarcerated, do not appear to be experiencing any problems with their current voting laws.

The committee, chaired by Richard Saphire, professor emeritus at the University of Dayton School of Law, also discussed eliminating the “idiots and insane” language found in Article V, Section 6 of the Ohio Constitution that deals with the disenfranchisement of “idiots and insane persons.” This would be the same recommendation given by the 1970’s Ohio Constitutional Revision Commission, although the recommendation was not approved by the General Assembly at that time.

The committee will have further discussion on the issues before a report and recommendation is sent to the full 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.

For more information regarding the work of OCMC, please visit <http://www.ocmc.ohio.gov>.