OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

Constitutional Revision and Updating Committee

Dennis P. Mulvihill, Chair
Charles F. Kurfess, Vice-chair

March 9, 2017

Riffe Center for Government and the Arts
Room 1914

OCMC Constitutional Revision and Updating Committee

Chair	Mr. Dennis Mulvihill
Vice-chair	Mr. Charles Kurfess
	Ms. Janet Abaray
	Mr. Roger Beckett
	Rep. Robert Cupp
	Sen. Kris Jordan
	Mr. Mark Wagoner

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

CONSTITUTIONAL REVISION AND UPDATING COMMITTEE

THURSDAY, MARCH 9, 2017
11:00 A.M.
RIFFE CENTER FOR GOVERNMENT AND THE ARTS ROOM 1914

AGENDA

I. Call to Order

II. Roll Call

III. Approval of Minutes

- Meeting of January 12, 2017

  [Draft Minutes – attached]

IV. Reports and Recommendations

- None scheduled

V. Presentations

- None scheduled

VI. Committee Discussion

- Article II, Sections 1 through 1i, 15 and 17 – Constitutional Initiative, Statutory Initiative, and the Referendum

  The chair will lead a continuation of the committee's working session regarding draft language to amend the provisions on the constitutional initiative, the statutory initiative, and the referendum.

[Revised Draft of Article II, Sections 1 through 1i, 15, and 17 (V7) (Constitutional Initiative, Statutory Initiative, and Referendum) – attached]

[Revised Memorandum by OCMC Staff titled "Additional Considerations Related to the Draft Initiative and Referendum Sections of Article II," dated December 1, 2016 – attached]

VII. Next Steps

- The chair will lead discussion regarding the next steps the committee wishes to take in preparation for upcoming meetings.

  [Planning Worksheet – attached]

VIII. Old Business

IX. New Business

X. Public Comment

XI. Adjourn

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE
CONSTITUTIONAL REVISION AND UPDATING COMMITTEE

FOR THE MEETING HELD
THURSDAY, JANUARY 12, 2017

Call to Order:

Chair Dennis Mulvihill called the meeting of the Constitutional Revision and Updating Committee to order at 1:43 p.m.

Members Present:

A quorum was present with Chair Mulvihill, Vice-chair Kurfess, and committee members Cupp, Jordan, and Readler in attendance.

Approval of Minutes:

The minutes of the December 15, 2016 meetings of the committee were approved.

Presentations and Discussion:

Chair Mulvihill announced the committee would be continuing its consideration of the initiative and referendum sections of Article II. He said additional edits to the draft resulting from last month's presentations and discussion were prepared and would be described by Senior Policy Advisor Steven H. Steinglass and Executive Director Steven C. Hollon. He added that Attorney Don McTigue also had ideas for improving the draft and was present to assist in the committee's ongoing review.

Chair Mulvihill first recognized Mr. Steinglass, who described the changes to the draft that had circulated at the last committee meeting.

Mr. Steinglass said the revisions were designed to accomplish several goals. First, the new draft places a constitutional foundation under the statutory requirement that initial petitions with 1,000 signatures be filed with the attorney general for proposed amendments and proposed statutes so that the attorney general can determine whether the summary is a "fair and truthful" statement of the proposal. He said the draft also makes explicit that the statutory one amendment/separate vote

requirement applies to proposed constitutional amendments. Mr. Steinglass said the new draft continues the current policy of allowing the ballot board to determine the one amendment/separate vote issue at the beginning of the process, but moves to the beginning of the process the ballot board's determination of whether the proposal creates a monopoly, determines a tax rate, or confers a special benefit. Mr. Steinglass said, currently, this determination takes place after the petition signatures are verified.

Mr. Steinglass continued that the new draft requires proponents to include in their initial petition a proposed title and explanation, and requires the ballot board to review the proposed ballot title and proposed explanation at the start of the process. He said the new draft expressly gives the Ohio Supreme Court exclusive original jurisdiction over determinations concerning the fair and truthful summary, the one amendment/separate vote requirement, the monopoly determination, and the validity of the title and explanation. He said the draft indicates that the secretary of state's verification of petitions and signatures includes not only their sufficiency but also their validity, invalidity, and insufficiency, and that Ohio Supreme Court review reaches all these determinations. He said the new draft additionally applies the new requirements for the constitutional initiative petition to the statutory initiative process.

Underscoring these points, Mr. Steinglass said there is currently an initial petition requirement that has been in the statutes since the 1920s but does not have any explicit constitutional authorization. He said if the new draft is to front load the ballot board determination, it becomes more important to give the initial part of the process a constitutional foundation. He added that the draft now takes the one amendment/separate vote requirement that is currently in Article XVI, and makes it applicable to citizen initiated amendments. He noted that the revised code makes the requirement applicable to initiated amendments, and there is language in the constitution that arguably bootstraps it in, but the new draft includes it in the constitution.

Chair Mulvihill asked the committee for its thoughts on the new draft.

Representative Bob Cupp asked if the statutory requirement of submitting to the attorney general an initial petition along with 1,000 signatures is still in effect in the latest version. Mr. Steinglass agreed that this is still the case, adding that the edit is designed to put that requirement in the constitution, and not to change anything about that procedure.

Donald J. McTigue, Attorney
McTigue & Colombo LLC

Chair Mulvihill introduced Mr. McTigue, an attorney with McTigue & Colombo LLC, who was present to offer some proposed revisions to the draft and to describe his suggestions.

Mr. McTigue said that, since his appearance at the December 2016 committee meeting, he had given more thought to the issue of frontloading the ballot board review process. He said he made redline changes to the draft he submitted previously. Comparing his edits with those undertaken by staff, he said the drafts are essentially the same in terms of moving the review process up front, but that he wanted to clarify some of the terms that are being used. He said there are four different

terms describing different written documents: the summary, the ballot title, the ballot language, and the explanation.

He described the ballot language as being what voters see when they go into the voting booth, and that the ballot title is the heading that appears above the ballot language. He said the ballot language and ballot title are not on the petition, and that, by statute, the secretary of state decides the title. He said, by constitutional provision, the ballot board decides the ballot language.

Mr. McTigue said the summary is a statutory creature, and is connected with the requirement of getting 1,000 signatures. He said, by statute, proponents must have a summary to submit to the attorney general, who then determines whether the summary is fair and truthful. If that requirement is met, the proponents have to print on the face of the petition that it includes certification by the attorney general. He said there is a statutory process for challenging that in the Supreme Court. He said if the ballot language and title is to be moved to the front of the process, he suggests that the ballot language and title can essentially take the place of the summary. He said the proponents still would have to get 1,000 signatures, but instead of a summary they would be proposing the ballot tile and the ballot language, and submitting them to the ballot board, rather than to the attorney general. He said the ballot board can disregard the summary if it wishes. He said there are standards the Supreme Court has developed for what makes ballot language fair and accurate, adding if there is to be a summary up front, make it the ballot language and title, and say that is what has to be proposed by the proponents with 1,000 signatures before circulating the main petition. He said he proposes that there then be a short period where it could be challenged if someone does not like it, the court then makes a decision, and that is what gets printed on the face of the petition. He said his draft replaces the summary with the ballot language, and adds the date of certification. He said that is the primary difference between the current draft and what he did.

Commenting on the staff edits to the draft, Mr. McTigue said he sees no reason to go to the attorney general. He said there is also no need for a 300 word argument or explanation. He said he would recommend getting rid of the summary requirement and require submission of proposed ballot language instead. He said he would recommend keeping the requirement that the ballot board prescribe the ballot language. He also suggested adding some tight time frames for filing a challenge with the Ohio Supreme Court. He said the one subject/separate vote requirement is purely statutory, and because that determination is made up front by statute, it should be rolled into that same process.

Mr. McTigue said the draft should reinstate a ten-day cure period in the situation in which the initial petition as certified by the secretary of state has insufficient signatures. He said his draft builds that cure period into the process, for use where the secretary of state's initial determination is that proponents do not meet one of those thresholds. He said he believes this change works with the overall timelines but said he would double check that. He said the constitution currently allows ten days if the signatures fall below initially, or if the Supreme Court knocks out some of the signatures. He said the initial staff version of the proposal eliminated that provision, so he put it back in.

Chair Mulvihill thanked Mr. McTigue for his work and asked, as a practical matter, where in the process the constitutional provision is actually drafted, and by whom. Mr. McTigue said that

would be the full text of the proposed amendment that is drafted by the proponents and submitted with 1,000 signatures. Chair Mulvihill asked whether the ballot board plays a role regarding the text that is going into the constitution. Mr. McTigue said the ballot board has no authority to do that.

Mr. Hollon asked whether there should be a process for the ballot board to work with the proponents to suggest changes, so there is constitutional consistency. Mr. McTigue said there are a couple of ways to deal with that, noting many city charters provide that amendment proponents should submit proposed language to the city law director and get feedback. He said the General Assembly could enact legislation to require the attorney general's office to review the language, and the constitution could require that legislation to be enacted. He said the ballot board could be the entity charged with that task. He said, right now, the analogous situation is that the attorney general reviews the summary, and may reject it if it is not fair and truthful. At that point, the proponents can either challenge that decision in court, or they can get another 1,000 signatures and start over. Something like that could happen as well when substituting ballot language instead of a summary.

Mr. Steinglass asked whether the 300 word limitation applies only to arguments or whether it also applies to the explanation. Mr. McTigue said in the past it has been a 300 word limit for each, but the preference is to provide fewer words.

Mr. Steinglass noted that the full text of the constitutional language is in the initial petition and in the publication. He asked whether the text of the summary drafted for the attorney general is also included in the publication. He wondered about the function of the summary that goes to the attorney general.

Mr. McTigue said it is purely a statutory requirement that was enacted because people do not read the full text. He said the expectation is that the voters would read the summary on the front of the petition because they would not read the entire proposed amendment or law. Mr. McTigue said the summary has tended to get longer over the years because the attorney general may reject the summary for leaving out information.

Mr. Steinglass noted that if the summary that goes to the attorney general is also the explanation that goes on the ballot, there might be tension in terms of the number of words. Mr. McTigue said if the ballot language is moved to the front of the process, the ballot language is what voters will see both on the petition and in the voting booth. So, he said, the question becomes whether there is a need for the summary at all. He added there may not be a need for 300 word arguments printed in newspapers, since many people do not read the arguments.

Mr. Steinglass wondered if there is a way to avoid petitions being sent back multiple times. Mr. McTigue said this does not happen most of the time, but in one instance it was because the proponents were not told all the objections at the beginning. He said the more common problem with petitions is that the proponents leave information out, or that the summary describes what the provision will do, which is really an argument and not a summary.

Chair Mulvihill asked whether Mr. McTigue's draft removes the attorney general from the process altogether. Mr. Mctigue answered affirmatively, but said the attorney general will defend the ballot board if the ballot board is sued.

Rep. Cupp noted the draft's requirement that the attorney general examine the summary, wondering if that summary must be included with 1,000 signatures or whether the summary goes to the ballot board before those signatures are obtained. He also wondered if there is an opportunity for someone other than the proponents to challenge the determinations of the attorney general or ballot board in the Ohio Supreme Court.

Noting his proposed language is different from that provided by staff, Mr. McTigue said if the provision does not indicate who may file a challenge, the Supreme Court will allow any elector of the state of Ohio to do so. He said, as a general rule, the Court has held if someone is a qualified elector who would be entitled to vote on the issue, that is sufficient to provide standing. He said that he did not specify who could file a challenge in his draft. Rep. Cupp suggested that there should be language allowing parties who may be against a proposal to object.

Mr. Kurfess, noting the three decisions that are to be made by the ballot board in subdivision (B)(2) of the draft, said each of these determinations should be phrased so that the answers are consistent – either three "yes" answers or three "no" answers. Mr. Kurfess said a second point is that an amendment, to be fully implemented, might require changing two or three different sections of the constitution. He noted that this does not necessarily mean the amendment violates the one amendment rule because there is still only one goal being accomplished.

Mr. McTigue commented that the ballot board and the Supreme Court both have said that on the one subject requirement that they apply the same standards that are applied to the legislation in the one subject rule. As long as the sections are cohesively interrelated it should be okay to amend them simultaneously.

Chair Mulvihill asked whether committee members have concerns about removing the attorney general as the first repository and giving it straight to the ballot board.

Mr. Readler said he is not sure he understands the justification for that, wondering if the reason is to streamline the process.

Mr. McTigue said the goal of the revision was to move up front the challenges to the ballot language. He said one could keep challenges to ballot language where it is right now, but all that does is create pressure on election officials to get ballot language decided in time to print ballots. But if there is agreement to move that review to the front, the ballot language should just replace the summary requirement because the ballot language is a summary. Right now there is a summary process at beginning and another, called ballot language, at the end. His suggestion would streamline the petition process. Mr. McTigue said the attorney general is only a part of the process as a matter of statute, and only with regard to the 1,000 signature, summary petition requirement. He said the ballot board could do that too. Or, he said, the attorney general could be the one to approve the ballot language.

Mr. Readler said the change takes the attorney general out of the process when the legislature has said the attorney general should be involved. He said he is anxious about changing that requirement.

Mr. McTigue explained that the attorney general comes out because his draft eliminates the summary requirement. Mr. McTigue said the attorney general is legal counsel to the Ohio ballot board; the attorney general's office could send an assistant attorney general to give legal advice on whether proposed language meets constitutional standards. Mr. McTigue said the attorney general may not mind being taken out of the process as this is not one of that office's core functions.

Chair Mulvihill explained that if the ballot language is to be approved at the beginning, there would be no need to duplicate the efforts and require a summary, which is essentially the same thing.

Mr. Readler said he appreciates the concern about the ballot board considering the ballot language at the end of the process, but noted that there might be some value to the current procedure, in which, during the time between the initial petition and the final review by the ballot board, there is development of issues, and public attention drawn to the topic, allowing public officials to refine their views and weigh in on the matter.

Mr. McTigue said the attorney general's office is legal counsel to the ballot board, and, if the committee would like, the draft could be revised to require the attorney general to provide legal counsel to assist the ballot board on the front end.

Mr. Kurfess asked if there has been an occasion when the attorney general and ballot board were taking inconsistent approaches in the language they are applying. Mr. McTigue said not that he is aware of. Mr. Kurfess then asked if there has been exit polling which included the question of whether voters had to read the language of the issue before they voted. McTigue said he is not aware of such polling.

Rep. Cupp suggested it would be helpful to the committee to have before it examples of a summary and ballot language at the next meeting. Chair Mulvihill agreed and suggested those items could be provided from the ballot issues on the November 2015 ballot.

Chair Mulvihill thanked Mr. McTigue and staff for their work on the issue, and indicated the committee would continue to consider and discuss this topic at the next meeting.

Adjournment:

With no further business to come before the committee, the meeting adjourned at 2:46 p.m.

Approval:

The minutes of the January 12, 2017 meeting of the Constitutional Revision and Updating Committee were approved at the March 9, 2017 meeting of the committee.

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Dennis P. Mulvihill, Chair

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Charles F. Kurfess, Vice-chair

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ARTICLE II

Section 1. ***[Legislative Power]***

(A) The legislative power of the state shall be vested in a General Assembly, consisting of a Senate and House of Representatives, but the people reserve to themselves the power of the initiative and referendum, as set forth in this article. The limitations expressed in the constitution on the power of the General Assembly to enact laws shall be deemed limitations on the power of the people to enact laws.

(B) The provisions of this article concerning the initiative and referendum shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein preserved.

Section 1a. ***[Initiative to Amend the Constitution]***

(A) The people reserve the power to propose an amendment to the constitution, independent of the General Assembly, and may do so at any time after the last day of May of an odd-numbered year and before the first day of June in the following year, by filing with the secretary of state an initiative petition proposing an amendment to the constitution.

(B) Whoever seeks to propose a constitutional amendment by initiative petition shall submit to the attorney general, in the manner prescribed by law, an initial petition containing the proposed constitutional amendment, a summary of it that contains a fair and truthful statement of the proposed constitutional amendment, and a proposed title and proposed explanation for the constitutional amendment. The petition shall contain only one proposed constitutional amendment, so as to enable the electors to vote on each proposal separately.

(1) The attorney general shall examine the summary in the initial petition to ensure that it is a fair and truthful statement of the proposed constitutional amendment.

(2) Prior to the collection of signatures on any petition, the Ohio ballot board shall determine, in the manner prescribed by law: (a) whether the petition contains only one proposed constitutional amendment; (b) whether the proposed constitutional amendment violates or is inconsistent with division (B)(1) or (2) of Section 1h of this article, and; (c) whether the proposed ballot title and proposed explanation are such as to mislead, deceive, or defraud the voters.

(3) A petitioner or group of petitioners who are aggrieved by the determinations of the attorney general or the ballot board under this section may challenge the determination in the Supreme Court of Ohio. The Supreme Court shall have exclusive, original jurisdiction in all such challenges.

(C) The petition shall have printed across the top: "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors" and shall set forth the full text of the proposed amendment.

(D) The petition shall be required to bear the signatures of ten percent or more of the electors of the state, including five percent or more of the electors from each of one-half or more of the counties as determined by the total number of votes cast for the office of governor at the last preceding election for that office.

(E) Upon verifying the requirements of the petition and signatures on the petition as provided in this article, the secretary of state shall submit the proposed amendment for the approval or rejection of the electors at the next general election held in an even-numbered year.

(F) If the proposed amendment to the constitution is approved by 55 percent of the electors voting on the issue, it shall take effect thirty days after it is approved.

(G) If conflicting proposed amendments to the constitution are approved at the same election by 55 percent of the electors voting for the proposed amendments, the one receiving the highest number of affirmative votes shall be the amendment to the constitution.

(H) An amendment that is approved by the electors shall be published by the secretary of state.

Section 1b. ***[Initiative to Enact Laws]***

(A) The people reserve the power to propose a law, and may do so at any time after the last day of May and before the first day of February of the following year, by filing with the secretary of state an initiative petition proposing a law to the General Assembly.

(B) Whoever seeks to propose a law by initiative petition shall submit to the attorney general, in the manner prescribed by law, an initial petition containing the proposed law, a summary of it that contains a fair and truthful statement of the proposed law, and a proposed title and proposed explanation for the proposed law. No law proposed by petition shall contain more than one subject.

(1) The attorney general shall examine the summary in the initial petition to ensure that it is a fair and truthful statement of the proposed law.

(2) Prior to the collection of signatures on any petition, the Ohio ballot board shall determine, in the manner prescribed by law: (a) whether the law proposed by petition contains only one subject, and (b) whether the proposed ballot title and proposed explanation are such as to mislead, deceive, or defraud the voters.

(3) A petitioner or group of petitioners who are aggrieved by the determinations of the attorney general or the ballot board under this section may challenge the determination in the Supreme

Court of Ohio. The Supreme Court shall have exclusive, original jurisdiction in all such challenges.

(C) The petition shall have printed across the top: "Law Proposed by Initiative Petition First to be Submitted to the General Assembly" and shall set forth the full text of the proposed law.

(D) The petition shall be required to bear the signatures of five percent or more of the electors of the state, including two and one-half percent or more of the electors from each of one-half or more of the counties, as determined by the total number of votes cast for the office of governor at the last preceding election for that office.

(E) Upon receipt of the petition, the secretary of state shall transmit a copy of the petition and full text of the proposed law to the General Assembly. If the proposed law is passed by the General Assembly, either as petitioned for or in an amended form, it shall be subject to the referendum under Section 1c of this article.

(F) If before the first day of June immediately following the filing of the petition the General Assembly does not pass the proposed law in the form as filed with the secretary of state, and the petition is not withdrawn as provided by law, and, upon verifying the requirements of the petition and signatures on the petition as provided in this article, the secretary of state shall submit the proposed law for the approval or rejection of the electors at the next general election.

(G) If the proposed law is approved by a majority of the electors voting on the issue, it shall take effect thirty days after the election at which it was approved in lieu of any amended form of the law that may have been passed by the General Assembly.

(H) If conflicting proposed laws are approved at the same election by a majority of the total number of votes cast for each of the proposed laws, the one receiving the highest number of affirmative votes shall be the law.

(I) A law proposed by initiative petition and approved by the electors shall not be subject to veto by the governor.

(J) A law proposed by initiative petition and approved by the electors shall be published by the secretary of state.

(K) A law proposed by initiative petition and approved by the electors shall not be subject to repeal, amendment, or revision by act of the General Assembly for five years after its effective date, unless upon the affirmative vote of two-thirds of all members elected to each house of the general assembly.

Section 1c. ***[Referendum to Challenge Laws]***

(A) The people reserve the power through the referendum to challenge a law, section of law, or item in a law appropriating money, and may do so at any time within ninety days after the law has been signed by the governor and filed with the secretary of state, by filing with the secretary of state a referendum petition challenging the law, section of law, or item in a law appropriating money.

(B) The petition shall have printed across the top: “Referendum Petition to Challenge a Law Enacted by the General Assembly to be Submitted to the Electors” and shall set forth the full text of the law, section of law, or item in a law appropriating money being challenged.

(C) The petition shall be required to bear the signatures of six percent or more of the electors of the state, including three percent or more of the electors from each of one-half or more of the counties, as determined by the total number of votes cast for the office of governor at the last preceding election for that office.

(D) Upon verifying the requirements of the petition as provided in this article, the secretary of state shall submit the challenge for the approval or rejection of the electors, by referendum vote,

at the next primary or general election occurring sixty days or more after the process for verifying and challenging the requirements of the petition and signatures on the petition is complete.

(E) If a law, section of law, or item in a law appropriating money subjected to a challenge by referendum is approved by a majority of the electors voting on the issue, it shall go into effect thirty days after the election at which it is approved.

(F) If a referendum petition is filed challenging any section of law or item in a law appropriating money, the remainder of the law that is not being challenged shall not be prevented or delayed from going into effect.

(G) A law providing for a tax levy, a law providing appropriation for current expenses of the state government and state institutions, or an emergency law necessary for the immediate preservation of the public peace, health, or safety, as determined under Section 15(E) of this article, shall not be subject to challenge by referendum.

Section 1d. ***[Petition Requirements]***

(A) An initiative or referendum petition filed under this article may be presented in separate parts, but each part shall contain a full and correct copy of the title and text of the proposed constitutional amendment, proposed law, or the challenged law, section of law, or item in a law appropriating money, to be submitted to the electors.

(B) Each person who signs an initiative or referendum petition shall sign in ink and only for the person individually, and shall provide the person's residential address and the date the person signed the petition. The General Assembly may prescribe by law for the collection of electronic signatures in addition to or in lieu of petitions signed in ink.

(C) Each separate part of an initiative or referendum petition shall contain a statement of the person who circulated the part, as may be required by law, indicating that the circulator witnessed the affixing of every signature to the part. The General Assembly may prescribe by law for the witnessing of electronic signatures presented in addition to or in lieu of petitions signed in ink.

(D) In determining the sufficiency of the signatures required for an initiative or referendum petition, the secretary of state shall consider only the signatures of persons who are electors.

Section 1e. ***[Verifying and Challenging Petitions]***

(A) Within thirty days following the filing of an initiative or referendum petition, the secretary of state shall verify the validity or invalidity and sufficiency or insufficiency of the petition and the signatures on the petition pursuant to the requirements of this article.

(B) The Supreme Court of Ohio shall have original and exclusive jurisdiction over all challenges made to the secretary of state's determination as to the validity, invalidity, sufficiency or insufficiency of a petition and the signatures on a petition.

(C) A challenge to ~~a petition or signatures on a petition~~ the secretary of state's determination of validity, invalidity, sufficiency or insufficiency shall be filed with the Supreme Court within seven days after the secretary of state's determination of the sufficiency of the petition and the signatures on the petition. The Supreme Court shall hear and rule on a challenge within fourteen days after the filing of the challenge with the court. If the Supreme Court does not rule on the challenge within fourteen days after the filing of the challenge to the petition and the signatures, the petition and signatures shall be deemed to be valid and sufficient in all respects.

(D) If the Supreme Court determines the ~~petition or~~ signatures are insufficient, additional signatures to the petitions may be filed with the secretary of state within ten days following the

Supreme Court's ruling. If additional signatures are filed, the secretary of state shall determine their validity and sufficiency within ten days following the filing of the additional signatures.

(E) A challenge to the secretary of state's determination as to the validity, invalidity, sufficiency or insufficiency of the additional signatures shall be filed with the Supreme Court within seven days of the secretary of state's determination. The Supreme Court shall hear and rule on any challenges to the additional signatures within fourteen days of the filing of the challenge with the court. If the Supreme Court does not rule on the challenge within fourteen days of the filing of the challenge, the petition and signatures shall be deemed to be valid and sufficient in all respects.

(F) The filing of further signatures and challenges to petitions and signatures shall be not be permitted following the Supreme Court's determination as to the sufficiency of the additional signatures.

(G) The approval of a proposed amendment to the constitution or a proposed law, submitted by initiative petition and approved by a majority of the electors voting on the issue, shall not be held unconstitutional on account of the insufficiency of the petitions proposing the issue. The rejection of a law, section of law, or item in a law appropriating money, challenged in a referendum petition and rejected by a majority of the electors voting on the issue, shall not be held invalid on account of the insufficiency of the petitions initiating the challenge.

Section 1f. ***[Explanation and Publication of Ballot Issue]***

(A) A true copy of a proposed amendment to the constitution or a proposed law, submitted by initiative petition, shall be prepared together with an argument or explanation, or both, for the proposed constitutional amendment or proposed law. The name of the person who prepares the

argument or explanation, or both, for the proposed amendment to the constitution or proposed law, may be named in the petition submitted.

(B) A true copy of a law, section of law, or item in a law appropriating money submitted by referendum petition, shall be prepared together with an argument or explanation, or both, against and for the law, section, or item. The name of the person who prepares the argument or explanation, or both, against the law, section, or item may be named in the petition submitted. The name of the person who prepares the argument or explanation, or both, for the law, section, or item shall be named by the General Assembly, if in session, and, if not in session, then by the governor.

(C) An argument or explanation, or both, as prepared under this section, shall be three hundred words or less.

(D) The full text of the proposed amendment to the constitution, proposed law, or law, section of law, or item in a law appropriating money, together with the argument and explanation for each, and the argument and explanation against each, shall be published once a week for three consecutive weeks preceding the election in at least one newspaper of general circulation in each county of the state, where a newspaper is published. The General Assembly may prescribe by law for the electronic publication of the items required by this section in addition to or in lieu of newspaper publication.

Section 1g. ***[Placing on the Ballot]***

(A) The secretary of state shall place on the ballot language for a proposed amendment to the constitution, proposed law, law, section of law, or item in a law appropriating money, presented by initiative or referendum petition to be submitted to the electors for a vote.

(B) The ballot language shall be prescribed by the Ohio ballot board in the same manner and under the same terms and conditions as apply to issues submitted by the General Assembly under Article XVI, Section 1 of this constitution.

(C) The secretary of state shall cause the ballots to be prepared to permit an affirmative or negative vote on each proposed amendment to the constitution, proposed law, or law, section of law, or item in a law appropriating money.

(D) The style of all constitutional amendments submitted by an initiative petition shall be: "Be it Resolved by the People of the State of Ohio." The style of all laws submitted by initiative petition shall be: "Be it Enacted by the People of the State of Ohio."

Section 1h. ***[Limitation of Use]***

(A) The powers of the initiative and referendum shall not be used to pass a law authorizing any classification of property for the purpose of levying different rates of taxation on the property or of authorizing the levy of any single tax on land, land values, or land sites at a higher rate or by a different rule than is or may be applied to improvements on the land or to personal property.

(B)(1) Restraint of trade or commerce being injurious to this state and its citizens, the power of the initiative shall not be used to pass an amendment to this constitution that would grant or create a monopoly, oligopoly, or cartel, specify or determine a tax rate, or confer a commercial interest, commercial right, or commercial license to any person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, however organized, that is not then available to other similarly situated persons or nonpublic entities.

(2) If a constitutional amendment proposed by initiative petition is certified to appear on the ballot and, in the opinion of the Ohio ballot board, the amendment would conflict with division

(B)(l) of this section, the board shall prescribe two separate questions to appear on the ballot, as follows:

(a) The first question shall be as follows: "Shall the petitioner, in violation of division (B)(l) of Section lh of Article II of the Ohio Constitution, be authorized to initiate a constitutional amendment that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?"

(b) The second question shall describe the proposed constitutional amendment.

(c) If both questions are approved or affirmed by a majority of the electors voting on them, then the constitutional amendment shall take effect. If only one question is approved or affirmed by a majority of the electors voting on it, then the constitutional amendment shall not take effect.

(C) The Supreme Court shall have original and exclusive jurisdiction in any action that relates to this section.

Section 1i. ***[Application to Municipalities]***

The powers of the initiative and referendum are reserved to the people of each municipality, as provided by law, on questions which a municipality may be authorized by law to control by legislative action.

Section 15. ***[How Bills Shall Be Passed]***

(E) An emergency law, necessary for the immediate preservation of the public peace, health, or safety, shall be passed only on the affirmative vote of two-thirds of all members elected to each house of the General Assembly. The reason for the emergency shall be set forth in a

section of the law, which shall be passed on a separate affirmative vote of two-thirds of all members elected to each house of the General Assembly.

Section 17. ***[Effective Date of Laws]***

(A) Except as otherwise provided in this section, a law passed by the General Assembly and signed by the governor, shall go into effect ninety days after the governor files it with the secretary of state.

(B) A law passed by the General Assembly and signed by the governor providing for tax levies, appropriations for the current expenses of state government and state institutions, and emergency laws necessary for the immediate preservation of the public peace, health, or safety, shall go into effect when filed by the governor with the secretary of state.

(V6)

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

REVISED MEMORANDUM

TO:	**Chair Dennis Mulvihill, Vice-chair Charles F. Kurfess and Members of the Constitutional Revision and Updating Committee**
FROM:	**Steven C. Hollon, Executive Director** **Shari L. O'Neill, Counsel to the Commission** **Steven H. Steinglass, Senior Policy Advisor**
DATE:	**December 1, 2016**
RE:	**Additional Considerations Related to the Draft Initiative and Referendum Sections of Article II**

To assist the committee in its consideration of the draft initiative and referendum sections in Article II as reviewed by the committee at its October and November 2016 meetings ("draft"), this revised memorandum provides background information and poses questions for committee discussion. Initially provided to the committee at the November 2016 meeting, the memorandum now is revised to remove discussion related to a proposal no longer under consideration that would have required citizen initiatives to be placed on the ballot in two consecutive elections.

I. Preliminary Review Process

Current Sections 1a, 1b, and 1c of the Ohio constitution and draft Sections 1a(A), 1b(A), and 1c(A) indicate that persons wishing to propose a constitutional amendment or law through the filing of an initiative petition, or who wish to challenge a law by filing a referendum petition, shall file the appropriate petition with the secretary of state. However, neither the current constitutional provisions nor the draft sections address a preliminary procedure that currently exists in statute. That procedure, which we shall refer to in this memorandum as a "preliminary review process," is described at R.C. 3519.01.

Constitutional and Statutory Initiative Petitions

Under R.C. 3519.01(A), those who wish to circulate a petition for a constitutional amendment or proposed law must first do the following:

- File with the attorney general a copy of the petition that proponents intend to circulate under the requirement of the constitution. The preliminary petition is required to contain the signatures of not less than 1,000 electors, the proposed amendment or law, and a summary of it.

- The attorney general reviews the preliminary petition to determine if the summary of the proposed amendment or law is "fair and truthful."

- The attorney general certifies the preliminary petition and sends it to the ballot board for its determination of whether the petition meets the "one proposal" requirement as prescribed by R.C. 3519.01(A) and R.C. 3505.062 (and as further discussed in Sections III and IV of this memorandum).

    - If the petition does not meet the one proposal requirement, the ballot board divides the petition, certifies that to the attorney general, and the petitioners must resubmit summaries for each of the petitions to the attorney general for review.

    - If the petition meets the one proposal requirement, the ballot board sends it to the attorney general.

- The attorney general then sends the petition to the secretary of state as a "certified" petition and the petitioners may then start their drive to obtain the number of signatures required by the constitution.

Under the current and draft constitutional provisions, the proponents of either a constitutional or a statutory initiative file their completed petitions with the secretary of state. In both the current and draft versions, the secretary of state, after verifying the signatures on the petitions, submits the proposed constitutional amendment to the voters at an election. Under the current and draft versions, the secretary of state transmits the statutory initiative petition to the General Assembly for its consideration.

Referendum Petitions

Under R.C. 3519.01(B), those who wish to circulate a referendum petition to challenge a law must first do the following:

- File with the attorney general and secretary of state, at or near the same time, a copy of the petition that proponents intend to circulate under the requirement of the constitution. The preliminary petition is required to contain the signatures of not less than 1,000 electors, the law being challenged by referendum, and a summary of it.

- The attorney general has ten days to determine if the summary is fair and truthful, and certify the same.

- The secretary of state has ten days to verify the signatures and the accuracy of the text of the law.

The preliminary review process in R.C. 3519.01(B) allows the petition to be submitted for review by the secretary of state and the attorney general at the same time, rather than serially. The preliminary review process for the referendum does not require the ballot board's participation.

The current and draft constitutional provisions indicate that a completed referendum petition is to be filed with the secretary of state at any time within 90 days after the law has been signed by the governor and filed with the secretary of state. The current and draft provisions do not mention a preliminary review process, nor do they mention a requirement that the referendum petition be submitted to the attorney general.

Questions for Consideration

Questions the committee may wish to consider regarding the statutorily required preliminary review process include:

- Should the requirements of the preliminary review process located in R.C. 3519.01 be inserted into the constitution?

- Should the current 90-day constitutional time period for filing a referendum petition be altered to accommodate the ten-day preliminary review by the secretary of state and the attorney general?

II. Limitation on Certification of Petition or Petition Circulation Period

Ohio does not limit the length of the petition circulation period for constitutional and statutory initiatives. Thus, a petition for a proposed amendment that the attorney general determines contains a fair and truthful summary of the proposed amendment or law may be circulated for signatures indefinitely. The only other states without limitations on the circulation period are Arkansas and Utah.[1]

In 2002, the Final Report and Recommendation of the National Conference of State Legislatures' Initiative and Referendum Task Force recommended that a circulation period be limited. California, for example, has a 150-day circulation period, but the most common circulation periods are between one and two years. The limitation on the length of the circulation period may be achieved by including language providing an expiration date for the attorney general's fair and truthful certification, should the committee decide to recommend constitutionalizing the preliminary review process.

Questions for Consideration

The committee may wish to consider the following questions:

[1] For more information on petition circulation periods, see http://www.ncsl.org/research/elections-and-campaigns/petition-circulation-periods.aspx (last visited Nov. 1, 2016).

- If the committee determines it would like to add the preliminary review process to the constitution, should there be an expiration date for the "certification" of the preliminary petition?

- Alternatively, should there be a limitation on the time that a petition can be circulated once certified?

III. One Amendment Rule

The committee may wish to clarify that the requirement that a proposed constitutional amendment only address one subject is applicable to initiated amendments as well as to legislatively-proposed amendments.

Current Requirements

Article XVI, Section 1, which relates to constitutional amendments proposed by joint resolution of the General Assembly, provides, in the last sentence, that "When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately." The language is original to the 1851 constitution.

Meanwhile, Article II, Section 1 generally applies the same limitations on the General Assembly to the citizens' initiative and referendum process, providing that "The limitations expressed in the constitution, on the power of the General Assembly to enact laws, shall be deemed limitations on the power of the people to enact laws."

The relationship between these two provisions was the subject of *State ex rel. Ohio Liberty Council v. Brunner*, 125 Ohio St.3d 315, 2010-Ohio-1845, 928 N.E.2d 410, in which the Supreme Court of Ohio addressed whether the ballot board correctly split a proposed constitutional amendment into two ballot questions after determining that the proposed ballot language violated the one amendment rule. After applying the relevant test, which asks whether each of the individual subjects contained in a proposal "bears some reasonable relationship to a single general object or purpose," the Court granted a writ of mandamus based on its conclusion that the ballot board improperly split the amendment. *Id.* at ¶ 42 [citations omitted]. Specifically, the Court held "all the sections contained [in the proposed amendment] bear some reasonable relationship to the single general purpose of preserving Ohioans' freedom to choose their health care and health-care coverage." *Id.* at ¶43. The test outlined in *Liberty Council* does not appear in the Ohio Constitution.

R.C. 3519.01(A) provides that "Only one proposal of law or constitutional amendment to be proposed by initiative petition shall be contained in an initiative petition to enable the voters to vote on that proposal separately." Additionally, R.C. 3505.062(A) requires the ballot board to "examine, within ten days after its receipt, each written initiative petition received from the attorney general under [R.C. 3519.01] to determine whether it contains only one proposed law or constitutional amendment so as to enable the voters to vote on a proposal separately." The statute further requires the board to divide the petition into individual petitions if the board

determines the petition contains more than one proposed law or amendment.[2] The preview procedure must be completed before the petitioners circulate their petitions.

In June 1978, voters approved a ballot measure that added the following sentence to Article II, Section 1g: "The ballot language shall be prescribed by the Ohio ballot board in the same manner, and subject to the same terms and conditions, as apply to issues submitted by the General Assembly pursuant to Section 1 of Article XVI of this constitution." This amendment resulted from a ballot question asking voters whether they wanted to require the ballot board to write the ballot language for initiative and referendum petitions. The measure was approved by a vote of 65.53 percent to 34.47 percent. Arguably, the 1978 amendment allows the ballot board to review and split a petition that does not comply with the one amendment rule as a part of its preliminary review process (as described above). On the other hand, as noted above, the constitution does not expressly provide for a preliminary review process.

Questions for Consideration

Questions the committee may wish to consider regarding the one amendment rule include:

- Should the constitution expressly provide that an initiated petition for a constitutional amendment comply with the one amendment rule?

- If the answer to the preceding question is "yes," should the determination of the question continue to be made by the ballot board in the preliminary review process noted in the preceding section of this memorandum?

- If the preliminary review process is constitutionalized, should the ballot board continue to have the constitutional authority to split the petition into separate petitions?

IV. One Proposal of Law for Initiated Statutes

The committee may wish to constitutionalize the statutory requirement that a petition for an initiated statute only propose one law.

Current Requirements

As described in the preliminary review process (see Section III above), a petition for an initiated statute is subject to a process whereby the ballot board determines whether the petition contains only one proposal of law. This requirement is prescribed in R.C. 3519.01(A), which indicates

[2] There is no equivalent statute requiring the ballot board to divide a ballot question posed by the General Assembly. Instead, R.C. 3505.062(B) merely provides that the ballot board prescribes the ballot language for constitutional amendments proposed by the General Assembly, "which language shall properly identify the substance of the proposal to be voted upon." In enacting R.C. 3505.062, the General Assembly may have concluded that it should be able to determine for itself whether a proposed amendment bears some reasonable relationship to a single general object or purpose. In fact, the one amendment rule is similar to the "one subject rule" in Article II, Section 15(D), a provision with which the legislature is well-acquainted.

"only one proposal of law * * * to be proposed by initiative petition shall be contained in an initiative petition to enable the voters to vote on the proposal separately." The ballot board's inquiry in relation to this requirement is described at R.C. 3505.062 (A), which states that the ballot board shall:

> Examine, within ten days after its receipt, each written initiative petition received from the attorney general under section 3519.01 of the Revised Code to determine whether it contains only one proposed law * * * so as to enable the voters to vote on a proposal separately.
>
> * * *
>
> If the board determines that the initiative petition contains more than one proposed law * * * , the board shall divide the initiative petition into individual petitions containing only one proposed law * * * so as to enable the voters to vote on each proposal separately and certify its approval to the attorney general. If the board so divides an initiative petition and so certifies its approval to the attorney general, the petitioners shall resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, and the attorney general then shall review the resubmissions as provided in division (A) of section 3519.01 of the Revised Code.

Currently, there is no explicit constitutional requirement that a statutory initiative petition be limited to one proposed law, nor is there provision for a ballot board review of that question. The closest analogous provision might be a portion of Section 1g, which states that "The ballot language shall be prescribed by the Ohio ballot board in the same manner and subject to the same terms and conditions, as apply to issues submitted by the general assembly pursuant to Section 1 of Article XVI of this constitution." However, Article XVI, Section 1 relates solely to constitutional amendments, and does not address statutory law.

When the General Assembly enacts law, it is bound by the requirements of the "one subject rule" contained in Article II, Section 15(D), which reads, in part: "No bill shall contain more than one subject, which shall be clearly expressed in its title." The one subject rule has been variously interpreted over the years, and case precedent provides no "bright line test" for when a statute violates that principle. While not specifically referencing the one subject rule, the last sentence of Article II, Section 1 indicates that "The limitations expressed in the constitution, on the power of the General Assembly to enact laws, shall be deemed limitations on the power of the people to enact laws."

Questions for Consideration

- Should the constitution expressly provide that only one proposal of law be contained in an initiated petition for a statutory law, as is currently required by R.C. 3519.01(A)?

- Is Article II, Section 1's statement extending the limitation on the law-making power of the General Assembly to the people sufficient to indicate the one subject rule applies to both?

V. Supermajority

Over the last several months, the committee has looked at several alternatives in considering whether to set a higher standard for passing an initiated constitutional amendment other than a simple majority.

The committee has considered whether the ballot question should be approved by a supermajority of those voting on the issue, such as 55 percent or 60 percent. The issue also has been raised whether to require a simple majority, but add a further requirement that at least 35 percent of the people voting in the election need to vote affirmatively to approve the ballot question.

Questions for Consideration

Questions the committee may wish to consider in finalizing its position on voting requirements on initiated constitutional amendments include:

- Does the committee wish to recommend a supermajority requirement such as a passage rate of 55 percent or 60 percent?

- In the alternative to requiring a super-majority, does the committee wish to keep the standard a simple majority, but add an additional requirement by setting a minimum threshold of people voting in the election to approve the issue, such as 35 percent?

VI. The Ballot Board and the Monopoly Questions

In Section I of this memorandum, the committee is presented with the question of whether it wishes to constitutionalize the current statutory procedure in which the attorney general and the ballot board conduct a preliminary review before proponents can start circulating an initiative petition for a constitutional amendment. Under this procedure the ballot board is looking at the specific question of whether the proposed amendment is consistent with the one amendment requirement.

In addition, current Section 1e(B)(2) and draft Section 1h(B)(2)(c), as discussed in Section VII of this memorandum, requires the ballot board to determine if it believes a proposed constitutional amendment would create a monopoly, and, if so, the board must prescribe two separate questions to appear on the ballot – the monopoly questions. This review by the ballot board occurs after signatures are collected and petitions are filed with the secretary of state.

Question for Consideration

If the committee determines the preliminary review process should be constitutionalized, a question the committee may wish to consider is:

- Should the ballot board be required to address the monopoly issue during its preliminary review before the petition is circulated, or should the ballot board address the monopoly issue close to the end of the process, when the requisite number of petition signatures has been obtained and verified?

VII. Determining Whether an "Appropriation" is Subject to the Referendum

Current language states at Section 1c that "any law, section of any law or any item in any law appropriating money passed by the General Assembly" is subject to challenge by referendum. This language is carried over to draft Section 1c(A). Meanwhile, language at the end of current Section 1d states that "appropriations for the current expenses of the state government and state institutions" are *not* subject to the referendum. This language is carried over to draft Section 1c(G).

The language contained in these sections appears, at first blush, to be contradictory. One section appears to suggest that any item in any law appropriating money is subject to the referendum, while the other section clearly states that appropriations for the current expenses of the state government and state institutions are not subject to the referendum.

The word "appropriation" is not defined in the constitution. As a result, we have to turn to case law to seek guidance on the question. A recent Supreme Court of Ohio case addressed an argument that a statutory scheme was not subject to the referendum because it was an appropriation for the current expenses of state government.

In *State ex rel. LetOhioVote.org v. Brunner*, 123 Ohio St.3d 322, 2009-Ohio-4900, 916 N.E.2d 462, a citizens' group sought a writ of mandamus to compel the secretary of state to treat video-lottery-terminal (VLT) provisions of the biennial budget bill as subject to the referendum. A key aspect of the case was the General Assembly's declaration that the subject provisions were exempt from referendum because they "are or relate to" an appropriation for current expenses under Article II, Section 1d. The secretary of state followed this rationale in rejecting the referendum petition, but petitioners argued the VLT provisions were not appropriations for current state expenses, did not make expenditures or incur obligations, and were not temporary measures necessary to effectuate an appropriation. *Id.* at ¶ 9.

In concluding the VLT provisions did not meet the requirements for an appropriation, the Ohio Supreme Court followed the statutory definition of an appropriation as being "an authorization granted by the general assembly to make expenditures and to incur obligations for specific purposes." *Id.* at ¶ 28, citing R.C. 131.01(F). The Court further noted precedent establishing an appropriation bill as "a measure before a legislative body which authorizes the expenditure of public moneys and stipulating the amount, manner, and purpose of the various items of expenditure." *Id.* [citations omitted]. The Court reasoned:

> The VLT provisions of H.B. 1 are not themselves appropriations for state expenses because they do not set aside a sum of money for a public purpose; neither R.C. 3770.03 nor 3770.21 as amended by H.B. 1 makes expenditures or incurs obligations. Rather, they authorize the State Lottery Commission to operate VLT games and to promulgate rules relating to the commission's operation of VLT games, specify that the provisions of R.C. Chapter 2915 criminalizing gambling activities are inapplicable, bar political subdivisions from assessing new license or excise taxes on VLT licensees, and purport to vest this court with exclusive, original jurisdiction over any claim that the provisions are unconstitutional.

Id. at ¶ 29.

Further considering the question of whether the VLT provisions relate to an appropriation, the Court observed that Section 1d does not expressly include an exception for laws that relate to appropriations for the current expenses of the state government. Therefore, the Court determined the VLT provisions were subject to referendum because, by only being part of a law designed to generate revenue that can be appropriated, they merely related to an appropriation. *Id.* at ¶ 34.

Question for Consideration

One question the committee may wish to consider regarding these two seemingly contradictory provisions is:

- Should the language in the draft be revised to provide greater clarity in what appropriation can or cannot be challenged, thereby reducing ambiguity on the question?

VIII. Withdrawal of Petition if Legislature Acts

Current constitutional language does not provide a mechanism for those who present an initiative petition proposing a constitutional amendment or statute to withdraw the amendment or statute if the General Assembly takes action on the proposal. This issue, however, is addressed in the Revised Code, which permits the initiative proponents to withdraw proposed initiatives and referenda. R.C. 3519.08(A).

In draft Section 1b(E), language is provided that allows the General Assembly to pass a law setting out a procedure for proponents of a statutory initiative to withdraw their petition, should they choose, before the next steps are taken to present the question to the electors of the state. The proponents may choose to do this if the General Assembly passes the proposed law as the proponents filed it with the secretary of state or in a substantially similar format. This mechanism has been described in committee meetings as an "off ramp."

At the committee's October 2016 meeting, a question was raised whether similar language should be inserted in draft Section 1a to allow the proponents of an initiated constitutional

amendment to withdraw their petition if the General Assembly enacts a statute or proposes an alternative constitutional amendment that resolves the matter.

Question for Consideration

The question for the committee is:

- Should there be a provision in draft Section 1a that allows the General Assembly to provide by a law a procedure where proponents of an initiated constitutional amendment can withdraw their petition?

IX. Effective Date of Initiated Constitutional Amendment

Current language in Section 1b of the Ohio constitution provides that a constitutional amendment proposed by initiative petition and approved by majority of the electors shall take effect 30 days after the election at which it is approved. Language in draft Section 1a(E) repeats this language and continues this requirement. In thinking about this issue, one might envision a process where the proponents wish to have the constitutional amendment take effect at a time later than 30 days after the election.

Question for Consideration

The question for the committee is as follows:

- Should the current 30-day requirement be continued in the draft section or should an alternative be inserted into the language that allows for the amendment to take effect either 30 days after the election or at a time later than 30 days if set forth in the proposed amendment or in an accompanying schedule presented to voters?

Constitutional Revision and Updating Committee

Planning Worksheet
(Through February 2017 Meetings)

Article II – Legislative (Select Provisions)

Sec. 1 – In whom power vested (1851, am. 1912, 1918, 1953)							
Draft Status	Committee 1st Pres.	Committee 2nd Pres.	Committee Approval	CC Approval	OCMC 1st Pres.	OCMC 2nd Pres.	OCMC Approved

Sec. 1a – Initiative and referendum to amend constitution (1912, am. 2008)							
Draft Status	Committee 1st Pres.	Committee 2nd Pres.	Committee Approval	CC Approval	OCMC 1st Pres.	OCMC 2nd Pres.	OCMC Approved

Sec. 1b – Initiative and referendum to enact laws (1912, am. 2008)							
Draft Status	Committee 1st Pres.	Committee 2nd Pres.	Committee Approval	CC Approval	OCMC 1st Pres.	OCMC 2nd Pres.	OCMC Approved

Sec. 1c – Referendum to challenge laws enacted by General Assembly (1912, am 2008)							
Draft Status	Committee 1st Pres.	Committee 2nd Pres.	Committee Approval	CC Approval	OCMC 1st Pres.	OCMC 2nd Pres.	OCMC Approved

Sec. 1d – Emergency laws; not subject to referendum (1912)							
Draft Status	Committee 1st Pres.	Committee 2nd Pres.	Committee Approval	CC Approval	OCMC 1st Pres.	OCMC 2nd Pres.	OCMC Approved

Sec. 1e – Powers; limitation of use (1912)							
Draft Status	Committee 1st Pres.	Committee 2nd Pres.	Committee Approval	CC Approval	OCMC 1st Pres.	OCMC 2nd Pres.	OCMC Approved

Sec. 1f – Powers of municipalities (1912)							
Draft Status	Committee 1st Pres.	Committee 2nd Pres.	Committee Approval	CC Approval	OCMC 1st Pres.	OCMC 2nd Pres.	OCMC Approved

Sec. 1g – Petition requirements and preparation; submission; ballot language; Ohio ballot board (1912, am. 1971, 1978, 2008)							
Draft Status	Committee 1st Pres.	Committee 2nd Pres.	Committee Approval	CC Approval	OCMC 1st Pres.	OCMC 2nd Pres.	OCMC Approved

Article XVI - Amendments

Sec. 1 – Constitutional amendment proposed by joint resolution of General Assembly; procedure (1851, am. 1912, 1974)							
Draft Status	Committee 1st Pres.	Committee 2nd Pres.	Committee Approval	CC Approval	OCMC 1st Pres.	OCMC 2nd Pres.	OCMC Approved

Sec. 2 – Constitutional amendment proposed by convention; procedure (1851, am. 1912)							
Draft Status	Committee 1st Pres.	Committee 2nd Pres.	Committee Approval	CC Approval	OCMC 1st Pres.	OCMC 2nd Pres.	OCMC Approved

Sec. 3 – Question of constitutional convention to be submitted periodically (1851, am. 1912)							
Draft Status	Committee 1st Pres.	Committee 2nd Pres.	Committee Approval	CC Approval	OCMC 1st Pres.	OCMC 2nd Pres.	OCMC Approved

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OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

2017 Meeting Dates

April 13

May 11

June 8

July 13

August 10

September 14

October 12

November 9

December 14