

**CONSTITUTIONAL MODERNIZATION COLLOQUIUM STEERING COMMITTEE**  
**MISSION STATEMENT**

The Constitutional Modernization Commission is Ohio’s opportunity “to think differently, progressively, [and] aggressively, about the state.”<sup>1</sup> A Constitutional Modernization Colloquium to take place near the beginning of 2012 provides a vehicle for gathering background information and discussing process options prior to convening Ohio’s Constitutional Modernization Commission. A Colloquium Steering Committee has the opportunity to examine processes and assist in identifying appropriate agenda items for the Colloquium. The Ohio State University Moritz College of Law, through a grant funded by the Joyce Foundation and in connection with *Election Law @ Moritz* and students in the college’s dispute system design clinic, is prepared to provide background material and logistical support to assist members of the Steering Committee.

This mission statement (1) highlights the potential for the Modernization Commission’s success, (2) outlines possible roles for the Steering Committee, and (3) reviews precedent suggesting the Colloquium and Steering Committee will enhance and accelerate the work of the Modernization Commission.

**(1) CONSTITUTIONAL MODERNIZATION COMMISSION**

Ohio’s Constitutional Modernization Commission<sup>2</sup> provides Ohio with “the vital

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<sup>1</sup> *Strong Bipartisan Support Advances Constitutional Review Bill to the House Floor*, GONGWER, OHIO REP., June 7, 2011 (quoting Ohio State University President E. Gordon Gee).

<sup>2</sup> The Ohio Constitutional Modernization Commission was established for the purpose of studying the Ohio Constitution, exchanging ideas for desired changes to the Constitution, evaluating issues related to amendment of the Constitution, and recommending amendments to the Ohio General Assembly. OHIO REV. CODE § 103.66.

opportunity to modernize the framework that governs [Ohio] and its citizens.”<sup>3</sup> Modeled after the 1970’s Ohio Constitutional Revision Commission, the Modernization Commission will recommend constitutional amendments “that may be necessary to reflect our changing society”<sup>4</sup> while ensuring proposed constitutional revisions “receive[] a thorough and thoughtful debate.”<sup>5</sup> Ohio’s 1970’s Revision Commission had a slow start but ultimately has been termed a “great success,” as Ohio voters ultimately approved fifteen separate constitutional amendments originating from the recommendations of the Revision Commission.<sup>6</sup>

## **(2) POSSIBLE ROLES FOR THE STEERING COMMITTEE**

The Colloquium Steering Committee might consider incorporating a number of topics into the Colloquium:

- Discussion of lessons from other state efforts at constitutional reform;
- Historical review of Ohio’s 1970’s Constitutional Revision Commission experience;

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<sup>3</sup> William G. Batchelder, Speaker of the House, Press Release, Ohio House Passes Constitutional Modernization Bill, June 8, 2011.

<sup>4</sup> Chris Ferruso, Legislative Director, National Federal of Independent Business, HB 188 Proponent Testimony at the Ohio House State Government and Elections Committee (May 24, 2011).

<sup>5</sup> *Union Announces Support for Batchelder’s Constitutional Commission*, HANNAH REP., June 7, 2011.

<sup>6</sup> Steven H. Steinglass, Op-Ed, *Constitutional Commission is the Way to Go*, COLUMBUS DISPATCH, July 27, 2011. However, the Revision Commission proposed sixty-three changes, with more than half dying in the General Assembly. Voters determined the fate of twenty-eight proposals, rejecting four. See OHIO CONSTITUTIONAL REVISION COMMISSION, RECOMMENDATIONS FOR AMENDMENTS TO THE OHIO CONSTITUTION: FINAL REPORT 24-30 (1977) [hereinafter FINAL REPORT]; see also John Husted, Ohio Secretary of State, 1970-1979 Official Ballot Results, <http://www.sos.state.oh.us/SOS/elections/electResultsMain/1970-1979OfficialElectionResults.aspx> (last visited October 18, 2011).

- Exploration of new process ideas for the Commission and concepts for communicating with and seeking public input;
- Expert analysis of enhancements ripe for the Ohio Constitution;
- Discussion of methods to achieve agreement across parties and interests.

Of course, these are just a few of the ideas that the Colloquium Steering Committee might consider. The Steering Committee would probably hold three in-person meetings, with conference calls for subcommittees augmenting that work.

### **(3) PRECEDENT**

A pre-Commission Colloquium has historical precedent in Ohio, and a format similar to this proposal was recently successful in Florida. In November 1971 the Revision Commission collaborated with the Ohio State University College of Law and the Ohio Municipal League to host a symposium open to the public titled “Local Government in Ohio: Constitutional Aspects.”<sup>7</sup> The symposium presentations were cited throughout the Commission’s recommendations related to local government.<sup>8</sup> The Revision Commission’s report noted that the symposium aided the Local Government Committee’s “focus on current problems” in local

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<sup>7</sup> Symposium papers are published in *The Ohio State Law Journal*. See generally 33 OHIO ST. L.J. 572-638 (1972). Ohio Constitutional Revision Commission Chairman Richard Carter noted the “importance of the Ohio Commission’s seminar on local government.” OHIO CONSTITUTIONAL REVISION COMMISSION, MINUTES, Oct. 19, 1971, reprinted in 1 OHIO CONSTITUTIONAL REVISION COMMISSION, PROCEEDINGS RESEARCH 29 (1977).

<sup>8</sup> See FINAL REPORT, *supra* note 6, at 19, 280, 294, 307, 308, 341.

government.<sup>9</sup>

In Florida, a steering committee was established in advance of the 1997-98 Florida Constitution Revision Commission.<sup>10</sup> The Steering Committee was charged with “reflect[ing] on the 1977-78 [Florida Commission] experience” and addressing specific procedural issues including draft meeting schedules, draft rules and procedures, and the development of a public information campaign.<sup>11</sup> The Steering Committee’s work avoided “one of the most time-consuming and controversial tasks” of the 1977-78 Florida Commission, the development and implementation of rules of procedure.<sup>12</sup> Despite the Steering Committee’s role as a “strict advisory” body its model processes were summarily adopted, accelerating and enhancing the Revision Commission’s work.<sup>13</sup> While Florida voters rejected all of the 1977-78 Commission’s proposals, the Steering Committee was a “major reason” for the overwhelming approval of eight

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<sup>9</sup> *Id.* at 280.

<sup>10</sup> Florida’s Constitution requires the Florida Constitutional Revision Commission to meet every twenty years. See FLA. CONST. Art. XI, § 2 (2010) (noting that a constitution revision commission will meet in 2017 and every twenty years thereafter) (amending FLA. CONST. Art. XI, § 2 (West 1970) (noting that the constitution revision commission shall be established every twenty years after beginning in 1977)).

<sup>11</sup> Rebecca Mae Salokar, *Constitutional Revision in Florida: Planning, Politics, Policy, and Publicity*, in 1 STATE CONSTITUTIONS FOR THE TWENTY-FIRST CENTURY: THE POLITICS OF STATE CONSTITUTIONAL REFORM, 19, 31-32 (G. Alan Tarr & Robert F. Williams, eds., 2006).

<sup>12</sup> W. Dexter Douglass & Billy Buzzett, *Constitutional Revision Commission: Planning the Process*, 71 FLA. B.J. 16, 18 (1997); see also Salokar, *supra* note 15, at 32 (noting “the 1978 [Florida Commission] spent its first three months organizing” with respect to procedural issues).

<sup>13</sup> W. Dexter Douglass, *1997-98 Constitutional Revision Commission: Valuable Lessons from a Successful Commission*, 52 FL. L. REV. 275, 278 (2000) (noting the Steering Committee’s proposed procedural rules were immediately adopted).

of nine proposed constitutional amendments in 1997-98.<sup>14</sup> The Colloquium Steering Committee will lend a strong starting point to Ohio's Modernization Commission.

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<sup>14</sup> *Id.* at 276.