

Co-Chair
Vernon Sykes, Representative
34th House District



Co-Chair
William G. Batchelder, Speaker
69th House District

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

To: Honorable William G. Batchelder and Honorable Vernon Sykes
Co-Chair, Ohio Constitution Modernization Commission

Re: Report of the July 10, 2013 Meeting of the Bill of Rights and Voting Rights Committee

From: Commissioner Richard B. Saphire

Date: July 17, 2013

Gentlemen,

On July 10, 2013, the Bill of Rights and Voting Rights Committee of the Ohio Constitution Modernization Commission met, a quorum being present.

The first matter on the Committee's agenda consisted of a presentation by, and conversation with, Dean Emeritus Steven Steinglass. Dean Steinglass undertook an extensive and detailed analysis of the various provisions of Article I of the Ohio Constitution (the "Bill of Rights") that have been placed within the purview of the Committee. The primary purpose of this analysis was to bring the Committee up to date concerning the authoritative interpretation of these provisions by the Ohio courts since the Report of the Bill of Rights Committee of the 1970's Modernization Commission. In addition, the Committee and Dean Steinglass discussed the different types of Bill of Rights provisions, ranging from the hortatory and symbolic to the more technical and prescriptive, as well as the extent to which the Ohio Supreme Court has interpreted various provisions as identical to, or different from, analogous provisions of the United States Constitution, as interpreted by the United States Supreme Court.

This discussion prompted some Committee members to express interest in obtaining information about similarities and differences between the Ohio Constitution's Bill of Rights provisions and rights provisions of the Constitutions of other states, the Constitutions of other countries, and international human rights documents (e.g. the "International Bill of Rights"). Dean Steinglass agreed to assist the Committee in obtaining such information.

Next, the Committee considered a variety of processes that it might employ in pursuing its study and consideration of the constitutional provisions within its purview. The Committee agreed to pursue a "two-track" approach: Pursuant to the first track, the Committee will begin to identify outside sources of information that might help it gain a better understanding of whether, and the extent to which, various constitutional provisions under its consideration might warrant some sort of change or revision. Such sources might include individuals and groups with special expertise or interest in areas affected by such provisions, as well as persons and organizations

who might want to advocate change (or retention of the status quo). While Committee members agreed to begin to compile lists of such sources, some members expressed the hope that the Commission as a whole, or perhaps one of its standing committees, would consider proposing criteria or standards that all subject matter committees might apply as they begin to reach out to the public for information and feedback. The Committee understands that the Public Education and Information Committee is now considering such standards.

The second track that the Committee agreed to pursue was to begin to identify those provisions of the Articles I, V, and XVII of the Ohio Constitution within its purview as to which relatively straightforward and non-controversial changes might be appropriate. Toward this end, Commissioners French and Saphire agreed to identify any such provisions and to circulate a list (perhaps with an explanatory memorandum) to the Committee for consideration prior to and at its next meeting.

The Committee was encouraged to give further consideration to the criteria it might apply as it begins to consider what, if any, changes the Committee ultimately might want to recommend to the full Commission with respect to the constitutional provisions within its purview.

The Committee agreed that, in lieu of meeting in August, members would review any proposals made by Commissioners French and Saphire. The Committee will next meet in September.