

Co-Chair
Charleta B. Tavares
Assistant Minority Leader
15th Senate District



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

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

AGENDA

DATE: Thursday, September 11, 2014

TIME: 1:30 pm

ROOM: Statehouse Room 313

- Call to Order
- Roll Call
- Approval of July 10, 2014 Minutes
- Standing Committee Reports (as required)*
- Subject Matter Committee Reports (as required)
- Adjourn

*(Possible vote on Commission Rules of Procedure and Conduct pending Organization and Administration Committee approval).

Organization and Administration Committee
Mark Wagoner, Chair
July 10, 2014

Chair Wagoner called the meeting of the Organization and Administration Committee to order at 9:40am. A quorum was present.

The minutes from the previous meeting were read and approved without objection.

The Chair called Executive Director Steven Hollon and gave a recommendation for the Legal Counsel position. He recommended Shari O'Neill. Senator Tavares moved that the committee recommend Ms. O'Neill to the Full Commission, and Speaker Kurfess seconded. The vote was unanimous 6-0. Ms. O'Neill will begin working on July 28, 2014.

Executive Director Hollon also recommended Shaunte Russell for the Communications Director position. Speaker Batchelder moved that the committee recommend Ms. Russell to the Full Commission, and Commissioner Brooks seconded. The vote was unanimous 6-0. Ms. Russell will begin working on August 18, 2014.

Chair Wagoner asked Executive Director Hollon about the budget and Mr. Hollon responded that they are on budget.

Without any further business before the committee, adjourned at 9:48am.

CHAIR

SECRETARY

Table of Contents

Section 1.0	Purpose and Scope	Page 2
Section 2.0	Commission Member Aspirations	3
Section 3.0	Commission Meetings	4
Section 4.0	Committees and Subcommittees	6
Section 5.0	Standing Committees	7
Section 6.0	Subject Matter Committees	8
Section 7.0	Committee and Subcommittee Meetings	10
Section 8.0	Review of Existing Constitutional Provisions	12
Section 9.0	Review of Proposed Constitutional Amendments	14
Section 10.0	Action by Commission	16
Section 11.0	Public Records and Website	18
Section 12.0	Recording and Broadcasting of Meetings	19
Section 13.0	Grants, Gifts, Devises and Bequests	20
Section 14.0	Reimbursement of Expenses	21
Section 15.0	Miscellaneous	22

Section 1.0
Purpose and Scope

Rule 1.1 Creation of Commission

The Ohio Constitutional Modernization Commission (“Commission”) is created by HB 188 of the 129th General Assembly and codified in Revised Code Sections 103.61 to 103.67, et seq.

Rule 1.2 Purpose of Commission

Pursuant to Revised Code Section 103.61, the Commission shall meet for the purpose of:

- (A) Studying the Constitution of Ohio;
- (B) Promoting an exchange of experiences and suggestions respecting desired changes in the Constitution;
- (C) Considering the problems pertaining to the amendment of the Constitution;
- (D) Making recommendations from time to time to the General Assembly for the amendment of the Constitution.

Rule 1.3 Purpose of Rules

These Rules of Procedure and Conduct (“Rules”) are adopted for the purpose of providing structure to the Commission that is not otherwise set forth in statute, a procedural framework for conducting its business, and guidance for the conduct of Commission members and staff while engaging in the activity their positions require, all in furtherance of the purpose of the Commission as set forth above.

Section 2.0
Commission Member Aspirations

Rule 2.1 Valuing Citizen Input

Commission members shall value the input of all Ohio citizens and their thoughtful and meaningful suggestions for preserving or amending provisions of the Ohio Constitution.

Rule 2.2 Open Mindedness

Commission members shall keep an open mind regarding every proposal pending before the Commission until they have had a reasonable opportunity to review, study, and consider all relevant presentations and research regarding the proposal.

Rule 2.3 Attentiveness; Consideration

Commission members shall listen attentively and provide full consideration to the opinions and interests of all participants and presenters before the Commission and its committees.

Rule 2.4 Independence

Commission members shall speak only for themselves and not ascribe views or opinions to others when speaking outside Commission or committee meetings regarding proposals that are pending before or could come before the Commission or its committees for consideration.

Section 3.0 Commission Meetings

Rule 3.1 Meetings

The Commission shall meet regularly, but not less than once every three months, on a date mutually agreed upon and specified by the Commission co-chairs, and at such other times as the co-chairs may jointly call.

Rule 3.2 Location

The Commission shall meet in Columbus at a location selected by the Commission co-chairs. The co-chairs may from time to time jointly designate a location outside Columbus to conduct a meeting of the Commission.

Rule 3.3 Public Notice

Notice of all meetings of the Commission shall be posted to the Commission's website prior to the occurrence of the meeting and at a time not later than required by R. C. 121.22, Ohio's Open Meetings Act.

Rule 3.4 Public Session

All meetings of the Commission shall be conducted in public session in accordance with R.C. 121.22, Ohio's Open Meetings Act.

Rule 3.5 Agenda

The Commission co-chairs shall set the agenda for all regular and special meetings of the Commission. The agenda for a Commission meeting shall be circulated to the members of the Commission not less than two business days prior to the date of the scheduled meeting.

Rule 3.6 Co-Chairs Presiding

The Commission co-chairs shall preside at all Commission meetings, maintain order, and, subject to appeal to the Commission, decide questions of order. If either co-chair anticipates missing a meeting of the Commission, that co-chair may select a member of the Commission as co-chair *pro tem* to serve at the meeting of the Commission in the co-chair's absence. If either co-chair unexpectedly misses a meeting of the Commission, the remaining co-chair shall preside over the Commission meeting without the need to name a co-chair *pro tem*.

Rule 3.7 Rules of Order

Except to the extent that it conflicts with the law of Ohio or these Rules, Robert's Rules of Order Newly Revised (11th ed.) shall govern the deliberative actions of the Commission.

Rule 3.8 Attendance

Unless otherwise provided by these Rules, a member of the Commission must be physically present at a meeting of the Commission in order to participate. A member shall not be permitted to name a designee to participate in a meeting of the Commission in place of the member.

Rule 3.9 Quorum

The presence of twenty-one members of the Commission shall constitute a quorum.

Rule 3.10 Proxy Voting

No member of the Commission shall be permitted to vote on a question pending before the Commission by proxy vote.

Rule 3.11 Action by the Commission

Except as otherwise prescribed by law or these Rules, the Commission shall take no action or approve any question pending before it unless upon the presence of a quorum and the affirmative vote for approval by seventeen members of the Commission.

Rule 3.12 Minutes

All actions of the Commission shall be documented through the taking of minutes at every Commission meeting. Once a draft of the minutes is prepared, it shall be distributed to Commission members by the Executive Director or the director's designee. The proposed minutes shall then be considered for approval at the next meeting of the Commission.

Section 4.0
Committees and Subcommittees

Rule 4.1 Committee Formation

The Commission may form as many committees as necessary for the purpose of completing its statutory duties. Committees shall only be created upon approval by the full Commission and shall be specifically referenced in these Rules.

Rule 4.2 Committee Membership

The co-chairs of the Commission shall appoint members to the committees formed by the Commission. In appointing members to the committees, the co-chairs of the Commission may consider the preferences of the members, but shall strive to maintain the same ratio of public and legislative members as serving on the full Commission and partisan balance among legislative members.

Rule 4.3 Committee Chair and Vice-Chair

The co-chairs of the Commission shall name a chair and vice-chair of each committee.

Rule 4.4 Subcommittees

Each committee may form as many subcommittees as it deems necessary for the purpose of completing its duties as set forth in these Rules. The chair of each committee shall appoint the membership of a subcommittee. The membership of a subcommittee shall reflect the same ratio of public and legislative members as serving on the full committee and partisan balance among legislative members. The chair of the committee creating the subcommittee shall name a chair of the subcommittee.

Section 5.0 Standing Committees

Rule 5.1 Creation

The Commission shall maintain four standing committees as set forth in Rules 5.3, 5.4, 5.5, and 5.6. The Commission may form additional standing committees as required.

Rule 5.2 Membership

Each member of the Commission shall be assigned to sit on one standing committee.

Rule 5.3 Organization and Administration Committee

The Organization and Administration Committee shall serve as a standing committee for the purpose of making recommendations to the Commission and staff regarding budget, staffing, ethics, and rules.

Rule 5.4 Public Education and Information Committee

The Public Education and Information Committee shall serve as a standing committee for the purpose of making recommendations to the Commission and staff on how best to disseminate information to the public regarding the Commission and its operation, educate the citizens of Ohio regarding the Commission's proposals, and receive input from the public.

Rule 5.5 Liaisons with Public Offices Committee

The Liaison with Public Offices Committee shall serve as a standing committee for the purpose of providing information and maintaining relations with all public offices reasonably affected, if at all, by any proposal or action of the Commission.

Rule 5.6 Coordinating Committee

The Coordinating Committee shall serve as a standing committee for the purpose of coordinating the study of the Ohio Constitution by each subject matter committee. In addition to the provisions of the Ohio Constitution assigned to each subject matter committee for review under Rules 6.3, 6.4, 6.5, 6.6, 6.7, and 6.8, the Coordinating Committee may assign additional provisions or topics for a subject matter committee to review and consider. The Coordinating Committee may provide input to the co-chairs of the Commission for the purpose of developing the agenda for full Commission meetings.

Section 6.0
Subject Matter Committees

Rule 6.1 Creation

The Commission shall maintain six subject matter committees as set forth in Rules 6.3, 6.4, 6.5, 6.6, 6.7, and 6.8. The Commission may form additional subject matter committees as required.

Rule 6.2 Membership

Each member of the Commission shall be assigned to sit on two subject matter committees.

Rule 6.3 Bill of Rights and Voting Committee

The Bill of Rights and Voting Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of Article I (Bill of Rights) of the Ohio Constitution dealing with the rights of all, including Sections 1, 2, 3, 4, 6, 7, 11, 13, 16, 17, 18, 19, 19b, 20, and 21. In addition, the Committee shall review the provisions of the Ohio Constitution dealing with voting rights, including all sections of Article V (Elective Franchise) and Article XVII (Elections).

Rule 6.4 Constitutional Revision and Updating Committee

The Constitutional Revision and Updating Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of the Ohio Constitution dealing with amending, revising and updating its provisions through initiative and referendum, including Sections 1, 1a, 1b, 1c, 1d, 1e, 1f, and 1g of Article II (Legislative) and all sections of Article XVI (Amendments).

Rule 6.5 Education, Public Institutions, and Local Government Committee

The Education, Public Institutions, and Local Government Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of the Ohio Constitution dealing with the topics of education, school funding, public institutions, county and township organizations, municipal corporations, home rule, and miscellaneous matters, as well as the general topics of adjoining regionalization and economic development, including all sections of Article VI (Education), Article VII (Public Institutions), Article X (County and Township Organizations), Article XVIII (Municipal Corporations), and Article XV (Miscellaneous).

Rule 6.6 Finance, Taxation, and Economic Development Committee

The Finance, Taxation, and Economic Development Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of the Ohio Constitution dealing with the topics of public debt, public works, finance, taxation, and corporations, as well as the general topics of tax reform and statewide economic development, including all sections of Article VIII (Public Debt and Public Works), Article XII (Finance and Taxation), and Article XIII (Corporations).

Rule 6.7 Judicial Branch and Administration of Justice Committee

The Judicial Branch and Administration of Justice Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of Article I (Bill of Rights) of the Ohio Constitution dealing with all rights under justice, including Sections 5, 8, 9, 10, 10a, 12, 14, 15, and 19a. In addition, the Committee shall review the provisions of the Ohio Constitution dealing with the judicial branch of Ohio government, as well as the general topics of judicial organization, the criminal and civil justice systems, and the rights of the criminally accused, including all sections of Article IV (Judicial).

Rule 6.8 Legislative Branch and Executive Branch Committee

The Legislative Branch and Judicial Branch Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of the Ohio Constitution dealing with the legislative branch and executive branch of Ohio government, the militia, apportionment and districting, term limits, and livestock care standards, as well as the general topic of global, statewide, and regional economic development, including Sections 2 through 42 of Article II (Legislative), Article III (Executive), Article IX (Militia), Article XI (Apportionment), Article XIV (Livestock Care Standards Board).

Section 7.0
Committee and Subcommittee Meetings

Rule 7.1 Meetings

The committees of the Commission shall meet regularly, but not less than once every three months, on dates mutually agreed upon and specified by the chair of the committee and the co-chairs of the Commission, and at such other times as the chair of the committee may call. A subcommittee shall meet as frequently as required for the timely completion of its work.

Rule 7.2 Location

The committees of the Commission shall meet in Columbus at a location selected by the chair of the committee. With the approval of the co-chairs of the Commission, the chair of a committee may from time to time designate a location outside Columbus to conduct a meeting of the committee. A subcommittee shall meet at a location convenient for the participants in the meeting.

Rule 7.3 Public Notice

Notice of all meetings of committees and subcommittees of the Commission shall be posted to the Commission's website prior to the occurrence of the meeting and at a time not later than required by R.C. 121.22, Ohio's Open Meetings Act.

Rule 7.4 Public Session

All meetings of committees and subcommittees of the Commission shall be conducted in public session in accordance with R.C. 121.22, Ohio's Open Meetings Act.

Rule 7.5 Agenda

The chair of each committee and subcommittee shall, in consultation with the members of the committee or subcommittee, set the agenda for all regular and special meetings of the committee and subcommittee.

Rule 7.6 Chair Presiding

The chair of each committee and subcommittee shall preside at all meetings of the committee or subcommittees, maintain order, and, subject to appeal to the committee or subcommittees, decide questions of order. If the chair of a committee expects to miss a meeting of a committee, the vice-chair shall preside over the committee meeting.

Rule 7.7 Rules of Order

Except to the extent that it conflicts with the law of Ohio or these Rules, Robert's Rules of Order, Newly Revised (11th ed.) shall govern the deliberative actions of every committee and subcommittee.

Rule 7.8 Attendance

Unless otherwise provided by these Rules, a member of a committee or subcommittee must be physically present at a meeting of the committee or subcommittee in order to participate in the proceedings. A member shall not be permitted to name a designee to attend a meeting of a committee or subcommittee in place of the member.

Rule 7.9 Quorum

The presence of a majority of the members of a committee or subcommittee shall constitute a quorum.

Rule 7.10 Proxy Voting

No member of a committee or subcommittee shall be permitted to vote by proxy on a question pending before the committee or subcommittee.

Rule 7.11 Action by a Committee or Subcommittee

Except as otherwise prescribed by law or these Rules, a committee or subcommittee shall take no action or approve any question pending before it unless upon the presence of a quorum and the affirmative vote of a majority of the members of the committee or subcommittee.

Rule 7.12 Minutes

All actions of a committee or subcommittee shall be documented by the taking of minutes at each committee and subcommittee meeting. Once a draft of the minutes is prepared, it shall be distributed to committee or subcommittee members by the Executive Director or the director's designee. The proposed minutes shall then be considered for approval at the next meeting of the committee or subcommittee.

Section 8.0
Review of Existing Constitutional Provisions

Rule 8.1 Review by Subject Matter Committee

To facilitate the full examination of the Ohio Constitution by the Commission, each subject matter committee shall review every section of the Ohio Constitution as assigned to it by the Coordinating Committee and issue a report and recommendation to the Coordinating Committee as to whether the section should be amended in whole or in part, deleted in whole or in part, or whether no change should be made.

Rule 8.2 Report and Recommendation

(A) A report and recommendation as issued by a subject matter committee regarding existing sections of the Ohio Constitution shall include (i) a summary of the history and meaning of the current section, (ii) a plain language summary of any proposed amendment, (iii) copies of all materials, testimony and other documents relied upon by the committee in preparing the report and recommendation, and (iv), as fully as necessary to provide for a thorough understanding of the examination which it undertook in review of the section, the rationale for its recommendation.

(B) For the purpose of clarity and at the discretion of the subject matter committee, a report and recommendation may be issued for (i) each section of an article of the constitution, (ii) all sections contained within the same article, or (iii) sections contained in separate articles provided the subject matter of the material in each section is reasonably related to the same topic.

Rule 8.3 Agenda

Before voting to approve a report and recommendation regarding existing sections of the Ohio Constitution, a subject matter committee shall place the proposed report and recommendation on its written agenda for not less than two consecutive meetings for the purpose of allowing discussion by committee members and to receive comment from the public. The report and recommendation shall also be made available on the Commission's website as part of the notice of the meeting for the subject matter committee.

Rule 8.4 Legislative Style; Joint Resolution Style

When considering a report and recommendation that includes a proposal to amend a section in whole or in part or delete a section in whole or in part, a subject matter committee shall have the proposed section prepared in legislative style and joint resolution style. Subject matter committees shall work with Commission staff and, if appropriate, the Legislative Services Commission to assist in formatting the language in the appropriate styles.

Rule 8.5 Majority Vote

A report and recommendation prepared pursuant to Rule 8.2 may only be approved by affirmative vote of a majority of the members constituting the subject matter committee taken by roll call vote and recorded in the minutes of the meeting at which the vote was cast.

Rule 8.6 Review by Coordinating Committee

Upon receipt of a report and recommendation from a subject matter committee, the Coordinating Committee shall review the report and recommendation to determine if it meets the requirements of Rules 8.2 and 8.4. If the Coordinating Committee finds the report and recommendation to be complete, it shall forward the report and recommendation to the Commission co-chairs for the purpose of placing the matter on the agenda at a future Commission meeting. If the Coordinating Committee finds the report and recommendation not to be complete, it shall return the matter to the subject matter committee for further consideration.

Section 9.0
Review of Proposed Constitutional Amendments

Rule 9.1 Proposed Constitutional Amendments

Commission members wishing to propose amendments on subject matters outside the scope of the committees on which they serve may offer proposed amendments by submitting the proposed amendment, in writing, to the Coordinating Committee to be assigned to a subject matter committee for its review. If the Coordinating Committee does not assign the proposed amendment to a subject matter Committee within ninety days of receipt of the proposal, a majority of the Commission members present at a Commission meeting may vote to assign the proposed amendment to a subject matter committee for its consideration.

Rule 9.2 Review by Subject Matter Committee

To facilitate the full examination of each proposed amendment assigned to a subject matter committee by the Coordinating Committee pursuant to Rule 9.1, the subject matter committee shall review the proposed amendment and issue a report and recommendation to the Coordinating Committee as to whether the proposed amendment should be adopted as presented, adopted after amendment in whole or in part, or not adopted.

Rule 9.3 Report and Recommendation

(A) A report and recommendation as issued by a subject matter committee regarding proposed amendments of the Ohio Constitution submitted pursuant to Rule 9.1 shall include (i) a summary of the history of any similar versions of the proposed amendment that may have been part of the Ohio Constitution in the past or considered at the ballot by the voters of the state and meaning of the current section, (ii) a plain language summary of the proposed amendment, (iii) copies of all materials, testimony and other documents by the committee in preparing the report and recommendation, and (iv), as fully as necessary to provide for a thorough understanding of the examination which it undertook in review of the section, the rationale for its recommendation.

(B) For the purpose of clarity and at the discretion of the subject matter committee, a report and recommendation of a proposed amendment prepared pursuant to this rule should be prepared for the entirety of the proposed amendment.

Rule 9.4 Agenda

Before voting to approve a report and recommendation prepared pursuant to Rule 9.3, a subject matter committee shall place the proposed report and recommendation on its written agenda for not less than two consecutive meetings for the purpose of allowing discussion by committee members and to receive comment from the public. The proposed report and recommendation shall also be made available on the Commission's website as part of the notice of the meeting for the subject matter committee.

Rule 9.5 Legislative Style

When considering a report and recommendation that includes a proposal to amend a section in whole or in part or delete a section in whole or in part, a subject matter committee shall have the proposed section prepared in legislative style and joint resolution style. Subject matter committees shall work with Commission staff and, if appropriate, the Legislative Services Commission to assist in formatting the language in the appropriate styles.

Rule 9.6 Majority Vote

A report and recommendation prepared pursuant to Rule 9.3 may only be approved by affirmative vote of a majority of the members constituting the subject matter committee taken by roll call vote and recorded in the minutes of the meeting at which the vote was cast.

Rule 9.7 Review by Coordinating Committee

Upon receipt of the report and recommendation from a subject matter committee recommending the action to be taken on a proposed amendment of the Ohio constitution as submitted pursuant to Rule 9.1, the Coordinating Committee shall review the report and recommendation to determine if it meets the requirements of Rules 9.2 and 9.5. If the Coordinating Committee finds the report and recommendation to be complete, it shall forward the report and recommendation to the Commission co-chairs for the purpose of placing the matter on the agenda of a future Commission meeting. If the Coordinating Committee finds the report and recommendation not to be complete, it shall return the matter to the subject matter committee for further consideration.

Rule 9.8 Failure to Act

If a subject matter committee fails to issue a report and recommendation regarding a proposed amendment submitted to it for its review pursuant to Rule 9.1 within one year from the date it was referred to the committee by the Coordinating Committee, the chair of the subject matter committee shall issue a written report to the co-chairs of the Commission explaining why no action has been taken. The Commission co-chairs may then direct the Coordinating Committee to reassign the proposed amendment to another subject matter committee for its review and recommendation.

Section 10.0
Action by Commission

Rule 10.1 Agenda

Upon receipt of a report and recommendation from the Coordinating Committee, as issued by a subject matter committee, the Commission co-chairs shall place the matter upon the written agenda for a future Commission meeting. The proposed report and recommendation shall also be made available on the Commission's website as part of the notice of the Commission meeting.

Rule 10.2 Presentation to Commission

(A) When the report and recommendation of a subject matter committee is placed upon the agenda for a Commission meeting, the Commission co-chairs shall require the chair of the subject matter committee that has issued the report and recommendation to present an oral summary of the report and recommendation to the Commission members.

(B) Following the oral summary, the Commission co-chairs shall allow an opportunity for public testimony regarding the report and recommendation. Following the presentation of an oral summary and any public testimony, the Commission shall take the matter under advisement until the next Commission meeting.

Rule 10.3 Action by Commission

At the Commission meeting following the meeting at which the chair of the subject matter committee presented an oral summary of a report and recommendation and an opportunity for public testimony was provided, the Commission may take any one of the following actions:

(A) If the report and recommendation of a subject matter committee finds that an existing section or sections of the Ohio Constitution should not be changed, the report and recommendation may be approved by affirmative vote of seventeen members of the members constituting the Commission taken by roll call vote as recorded in the minutes of the meeting at which the vote was cast.

(B) If the report and recommendation of a subject matter committee finds that an existing section or sections of the Ohio Constitution should be amended by the addition to or deletion from language contained in the existing section, the report and recommendation may be approved by affirmative vote of twenty-two members of all members constituting the Commission taken by roll call vote and recorded in the minutes of the meeting at which the vote was cast.

(C) If the report and recommendation of a subject matter committee finds that a proposed amendment to the Ohio Constitution as submitted pursuant to Rule 9.1 should be adopted, the report and recommendation may be approved by affirmative vote of

twenty-two members of all members constituting the Commission taken by roll call vote and recorded in the minutes of the meeting at which the vote was cast.

(D) Table the report and recommendation until the next meeting of the Commission.

(E) Refer the report and recommendation to the subject matter committee which issued the report and recommendation for further consideration or action.

Rule 10.4 Referral to General Assembly

If the Commission votes to adopt a report and recommendation of a subject matter committee pursuant to Rule 10.3 that finds a section or sections of the Ohio Constitution should be amended by the addition to or deletion from language contained in the existing section or sections or that a proposed new amendment should be adopted, the Commission co-chairs shall present the report and recommendation as approved by the Commission to the President of the Senate and Speaker of the House of Representatives by filing it with the clerk of each respective chamber of the Ohio General Assembly.

Section 11.0
Public Records and Website

Rule 11.1 Public Records

Copies of public records maintained by the Commission shall be made available to the public as provided by R.C. 149.43.

Rule 11.2 Website

The Commission shall maintain a website for the purpose of chronicling the work of the Commission, allowing for the submission of suggestions for repealing or amending provisions of the Ohio Constitution, and serving as a means for the public to comment on the work of the Commission.

Section 12.0
Recording and Broadcasting of Meetings

Rule 12.1 Broadcasting, Recording, and Photographing of Commission Meetings.

(A) To the extent available and under such conditions as they may jointly establish, the Commission co-chairs shall permit and arrange for real time, broadcast coverage of Commission meetings through Ohio Government Telecommunications.

(B) To the extent available and under such conditions as they may jointly establish, the Commission co-chairs shall permit and arrange for the video and audio recording of Commission meetings through Ohio Government Telecommunications.

(C) The Commission co-chairs, upon written request and under such conditions as they may jointly establish, may permit the photographing of Commission meetings through the Ohio Legislative Correspondents Association.

Rule 12.2 Broadcasting, Recording, and Photography of Committee Meetings

(A) A committee chair, with the approval of the Commission co-chairs and under such conditions as they shall jointly establish, may permit and arrange for real time, broadcast coverage of a committee meeting through Ohio Government Telecommunications.

(B) A committee chair, with the approval of the Commission co-chairs and under such conditions as they may jointly establish, may permit and arrange for the video and audio recording of a committee meeting through Ohio Government Telecommunications.

(C) A committee chair, upon written request and under such conditions as the chair shall establish, may permit the photographing of Commission meetings through the Ohio Legislative Correspondents Association.

Rule 12.3 Forms

The Organization and Administration Committee may promulgate forms to facilitate the fair and efficient application of Rules 12.1, 12.2 and 12.3.

Section 13.0
Grants, Gifts, Devises, and Bequests

Rule 13.1 Approval by Commission; Appearance of Undue Influence

The Commission may accept a grant, gift, devise, or bequest, provided two-thirds of the sitting members of the Commission agree that neither (i) the objectivity of the Commission's work or its recommendation to the General Assembly nor (ii) the public's perception of the Commission's objectivity of its work or its recommendation to the General Assembly, may reasonably be drawn into question or raise an appearance of undue influence.

Rule 13.2 Donors

The Commission may accept a grant, gift, devise, or bequest from one or more of the following:

- (A) an individual;
- (B) a public or private not-for-profit university;
- (C) an organization exempt from federal income tax under I.R.S. Code Sec. 501(c)(3);
- (D) a publicly-traded corporation;
- (E) a limited liability corporation, including a limited liability company registered with the Ohio Secretary of State, that discloses to the Commission both the identity of its members and the sources of the financial support it offers;
- (F) any other entity that discloses to the Commission both the identity of its officers, directors, and trustees and the sources of the financial support it offers.

Section 14.0
Reimbursement of Expenses

Rule 14.1 Reimbursement

Commission members and staff may obtain reimbursement for actual and necessary expenses, including mileage, parking, meals, and lodging, incurred while performing official duties for the Commission, including special research or study relating to the Ohio Constitution.

Rule 14.2 Reimbursement Rates

Pursuant to R.C. 126.31(B), Commission members and staff shall be reimbursed for their expenses at the rates set by the Office of Budget and Management.

Rule 14.3 Forms

The Commission may adopt forms for the purpose of claiming reimbursement of expenses upon the recommendation of the Organization and Administration Committee.

Section 15.0
Miscellaneous

Rule 15.1 Amendment of Rules

The Commission may from time amend or expand these Rules upon recommendation of the Organization and Administration Committee.

Rule 15.2 Suspension of Rules

The application of any one of these Rules may be suspended by affirmative vote of twenty-two members of the Commission.

Rule 15.3 Effective Date

These Rules shall be effective _____.

GUIDELINES FOR RESEARCH BY COMMISSION LEGAL STAFF

The Ohio Constitutional Modernization Commission ("Commission") is charged by R.C. 103.61 with studying the Ohio Constitution, promoting an exchange of experiences and suggestions respecting desired changes, considering problems pertaining to amendment, and recommending amendments to the General Assembly.

In order to facilitate Commission members receiving the highest quality legal research for the purpose of meeting their legislatively assigned responsibilities, and to provide for efficiency in the coordination of legal research requests and assignments, the Commission adopts the following Guidelines for Research by Commission Legal Staff.

Guideline 1 Legal Staff

Commission legal staff shall consist of the Counsel to the Commission, Senior Policy Advisor, and legal interns ("Legal Staff").

Guideline 2 Reporting by Legal Staff

Legal Staff shall report to and be supervised by the Executive Director.

Guideline 3 Legal Staff Attending Committee Meetings

At least one member of Legal Staff shall attend all portions of a committee meeting for the purpose of answering questions that may arise during the course of the meeting and to observe the discussion between committee members. Legal Staff's attendance will provide context to research requests by the committee and allow Legal Staff to suggest possible research opportunities to better inform committee members. In the absence of Legal Staff, the Executive Director may provide assistance to the committee.

Guideline 4 Request for Research to be Conducted by Legal Staff

(A) *By committee chair.* Requests for research by Legal Staff should be made only by a committee chair, in coordination with the Executive Director, and on behalf of the committee over which the chair presides. In the absence or unavailability of the chair, the request may come from the committee vice-chair.

(B) *Requests in writing.* Requests for research conducted by Legal Staff should be in writing so as to reduce confusion over the assignment.

(C) *Timing of request.* Requests for research by Legal Staff may be made at any time; however, in order to foster efficiency, requests ideally should be made within one week following a committee meeting to allow Legal Staff the opportunity to complete the research assignment before the next committee meeting.

Guideline 5 Scope of Research Project

Every issue that could be researched for the purpose of enhancing the review of the Ohio Constitution potentially involves significant and complex legal principles and can quickly turn into a large research assignment. When making a request for research by Legal Staff, a committee chair should work with the Executive Director and Legal Staff to set an appropriate scope for the project.

Guideline 6 Format of Legal Research

(A) *Memorandum.* Legal Staff should prepare a response to the research request in the form of a memorandum.

(B) *Response to all committee members.* Because all research requests are made to Legal Staff on behalf of a committee, a research memorandum completed by Legal Staff shall be addressed to all members of the committee.

Guideline 7 Other Research

(A) *By committee chair.* In order to create a systematic, uniform, and coordinated approach to researching issues, questions, and proposals that may come before a committee, and to avoid an appearance of conflicting agendas, committee chairs are encouraged to and should work with Legal Staff for all of the committee's research needs.

(B) *By committee members.* Committee members may rely on their own research sources for the purpose of providing background information and educating the committee member on a particular issue, question or proposal.

Adopted effective: _____.

Co-Chair
Vernon Sykes, Representative
34th House District



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

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

PUBLIC EDUCATION AND INFORMATION COMMITTEE
ROGER BECKETT, CHAIR
THURSDAY, JULY 10, 2014

Chairman Beckett called the joint meeting of the Public Education and Information Committee and the Liaison with Public Offices Committee to order at 9:12 a.m. A quorum was present and the minutes from the two previous meetings were approved without objection.

The items outlined in the agenda were brought forward and were discussed by the joint committee.

Executive Director Steven Hollon provided a brief update on the communications director position, stating that nine candidates were interviewed and that Ms. Shaunte Russell will be recommended to the full commission meeting in the afternoon.

Chairman Beckett then moved the discussion to potential communication projects for the committee. Karla Bell suggested that an emphasis on holding regular public meetings should be explored. Ms. Bell noted that these types of meetings would create opportunities throughout the states for public input and participation.

Chairman Beckett then moved the discussion to the subject of commission rule changes. Vice Chair Macon requested that committee minutes be expanded upon in order to allow commission members to view more detail of each committee's work so that members may better understand what has transpired. Chairman Beckett noted that committee chairs currently create committee reports after each meeting; however, there is no consistency between what committee chairs are including in those reports. Ms. Bell further expanded on Vice Chair Macon's thoughts and added that an overview of committee actions to date with the inclusion of possible future actions would be helpful to commission members. Representative Amstutz then stated that soliciting public input should be encouraged by committees working with focus group in order to develop proactive input rather than the input being a passive action. Ms. Bell expanded by saying that media should be well inform of the Commission's progress.

Frederick Mills inquired as to the wording in section 12.7 of the proposed amendments to the Commission rules. He noted that the last line should state "The Committee may waive readings considerations for non-controversial items." Richard Saphire then asked how considerations would be defined and if the considerations are of the proposed idea or are the considerations relating to exact language that the committee would be seeking to recommend to the full commission. Mr. Saphire then noted that it might not be advantageous or productive for the exact language to have three considerations. Dr. Herb Asher then added that section 12.7 reads that discussions surrounding the temporary language with options for revisions are encouraged throughout. Senator Sawyer inquired as to whether the procedures of the Commission are comparable to the ballot board. Ms. Bell noted that exact language would be necessary at that point, while Representative Curtin stated that the General Assembly would the step in-between the Commission and the ballot board. Chairman Beckett then stated that section 12.7 was intentionally left vague to allow flux between committee and their chairs.

Ms. Bell motioned to change "readings" to "considerations," the motion was seconded by Representative Amstutz, and was subsequently approved by the joint committee without objection.

Representative Amsutz then inquired as to the choice of the word "discussion" in section 12.7 and whether it should state "The Subject Matter Committee shall not vote on a proposed recommendation to the Commission unless the proposal was on the agenda for ~~diseussion~~ consideration at two previous meetings..." Mr. Mills motioned to change "discussion" to "consideration," the motion was seconded by Ms. Bell, and was subsequently approved by the joint committee without objection.

With no further business, the committee adjourned at 10:01 a.m.

ROGER BECKETT – CHAIR

LARRY MACON – VICE CHAIR

Co-Chair
Vernon Sykes, Representative
34th House District



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

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

LIAISON WITH PUBLIC OFFICES COMMITTEE
HERB ASHER, CHAIR
THURSDAY, JULY 10, 2014

Roger Beckett called the joint meeting of the Public Education and Information Committee and the Liaison with Public Offices Committee to order at 9:12 a.m. A quorum was present and the minutes from the two previous meetings were approved without objection.

The items outlined in the agenda were brought forward and were discussed by the joint committee.

Executive Director Steven Hollon provided a brief update on the communications director position, stating that nine candidates were interviewed and that Ms. Shaunte Russell will be recommended to the full commission meeting in the afternoon.

Mr. Beckett then moved the discussion to potential communication projects for the committee. Karla Bell suggested that an emphasis on holding regular public meetings should be explored. Ms. Bell noted that these types of meetings would create opportunities throughout the states for public input and participation.

Mr. Beckett then moved the discussion to the subject of commission rule changes. Dr. Larry Macon requested that committee minutes be expanded upon in order to allow commission members to view more detail of each committee's work so that members may better understand what has transpired. Mr. Beckett noted that committee chairs currently create committee reports after each meeting; however, there is no consistency between what committee chairs are including in those reports. Ms. Bell further expanded on Dr. Macon's thoughts and added that an overview of committee actions to date with the inclusion of possible future actions would be helpful to commission members. Representative Amstutz then stated that soliciting public input should be encouraged by committees working with focus group in order to develop proactive input rather than the input being a passive action. Ms. Bell expanded by saying that media should be well inform of the Commission's progress.

Frederick Mills inquired as to the wording in section 12.7 of the proposed amendments to the Commission rules. He noted that the last line should state "The Committee may waive readings considerations for non-controversial items." Richard Saphire then asked how considerations would be defined and if the considerations are of the proposed idea or are the considerations relating to exact language that the committee would be seeking to recommend to the full commission. Mr. Saphire then noted that it might not be advantageous or productive for the exact language to have three considerations. Chairman Asher then added that section 12.7 reads that discussions surrounding the temporary language with options for revisions are encouraged throughout. Senator Sawyer inquired as to whether the procedures of the Commission are comparable to the ballot board. Ms. Bell noted that exact language would be necessary at that point, while Representative Curtin stated that the General Assembly would the step in-between the Commission and the ballot board. Mr. Beckett then stated that section 12.7 was intentionally left vague to allow flux between committee and their chairs.

Ms. Bell motioned to change "readings" to "considerations," the motion was seconded by Representative Amstutz, and was subsequently approved by the joint committee without objection.

Representative Amsutz then inquired as to the choice of the word "discussion" in section 12.7 and whether it should state "The Subject Matter Committee shall not vote on a proposed recommendation to the Commission unless the proposal was on the agenda for ~~discussion~~ consideration at two previous meetings..." Mr. Mills motioned to change "discussion" to "consideration," the motion was seconded by Ms. Bell, and was subsequently approved by the joint committee without objection.

With no further business, the committee adjourned at 10:01 a.m.

HERB ASHER, CHAIR

ROBERT TAFT, VICE CHAIR

Memorandum

To: Honorable William G. Batchelder and Honorable Charleta B. Tavares.
Co-Chairs, Ohio Constitutional Modernization Commission

From: Commissioner Richard B. Saphire, Chair, Bill of Rights and Voting Rights Committee

Re: Report of the July 10, 2014 Committee Meeting

Date: July 13, 2014

On July 10, 2014, the Bill of Rights and Voting Rights Committee met, a quorum being present.

The Committee deferred to its next meeting further consideration of Article I, Section 4, of the Ohio Constitution pertaining to the "Right to Bear Arms." (At its May meeting, the Committee had voted to recommend retention of this provision in its current form.) The Committee expressed its appreciation to Chris Smith for preparing a detailed comparative analysis of similar provisions from other states' Constitutions.

The Committee considered Article V, Section 2 of the Ohio Constitution, pertaining to the requirement that elections be held by ballot. At its May meeting, the Committee voted to recommend that this provision be retained in its current form. After brief discussion, the Committee once again voted to retain this provision in its current form, and to forward this recommendation to the Commission.

The Committee next considered Article V, Section 2a of the Ohio Constitution, pertaining to the "Names of Candidates on the Ballot." At its May meeting, the Committee voted to recommend the retention of this provision in its current form. After brief discussion, the Committee again voted to retain this provision in its current form, and to forward this recommendation to the Commission.

The Committee next considered Article V, Section 7 of the Ohio Constitution, pertaining to "Primary Elections." With respect to this provision, the Committee took the following action:

- The Committee voted to delete the following language from the first sentence of this Provision: "*and provision shall be made by law for a preferential vote for the United States Senator*,". The Committee concluded that this language was rendered superfluous by the adoption of the Seventeenth Amendment of the United States Constitution, after which United States Senators were chosen by direct election of the people of Ohio.
- The Committee considered the question whether the first sentence of the provision should be amended to include nominations to *federal* office among the nominations that "shall be made by direct primary or elections or by petition as provided by law." Members of the Committee could see no apparent reason for not recommending such

an amendment, but took no vote on this issue. This matter will be referred to the Commission's counsel for further research and consideration.

- The Committee next resumed discussion from its May meeting of the provision's requirement that all nominations for elective state, district, county and municipal offices "shall be made at direct primary elections or by petition as provided by law...." In light of relevant court decisions, the Committee believed that further study was necessary to determine the proper meaning of the requirement that certain nominations for elective office be made by primary and others through "petition as provided by law." The Committee decided to refer this matter to the Commission's counsel for further research and consideration.
- Finally, the Committee considered the last two sentences in Article V, Section 7, pertaining to the selection of delegates to national political conventions. While Committee members expressed no concerns with respect to the substance of these sentences, there was discussion about whether the use of the male pronoun ("his") in the last sentence to describe the delegate to which the sentence refers was appropriate, and whether the sentence could be modified to delete that use. The Chair agreed to inquire whether the Commission had already undertaken a process to address the Constitution's use of gendered pronouns.

The Committee next turned to Article V, Section 4, which pertains to "Exclusion From the Franchise." After brief discussion, the Committee voted to retain this provision in its current form and place it on the agenda of the next meeting for a second consideration.

The Committee next considered Article V, Section 6, pertaining to "Idiots or Insane Persons." A number of Committee members expressed reservations concerning the use of the term "Idiots" in this provision. It was agreed that this provision should be referred to the Commission's counsel for research and consideration.

Finally, the Committee then noted that, per agreement with the Chair of the Legislative Branch and Executive Branch Committee, the Chair had agreed to cede responsibility for Article V, Section 9 to that Committee. It is also noted that responsibility for Article V, Section 8 has been ceded to that Committee.

The Committee agreed that it would not meet in August.