

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



Co-Chair
Ron Amstutz
Speaker Pro Tempore
1st House District

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES FOR THE MEETING HELD THURSDAY, MARCH 10, 2016

Call to Order:

Co-chair Ron Amstutz called the meeting of the Ohio Constitutional Modernization Commission ("Commission") to order at 1:34 p.m.

Members Present:

A quorum was present with Commission Co-chairs Tavares and Amstutz, and Commission members Asher, Bell, Clyde, Cole, Coley, Cupp, Curtin, Davidson, Fischer, Gilbert, Jacobson, Jordan, Kurfess, McColley, Mulvihill, Peterson, Sapphire, Skindell, Sykes, Taft, Talley, and Wagoner in attendance.

Approval of Minutes:

The minutes of the January 14, 2016 meeting of the Commission were reviewed and approved.

Subject Matter Committee Reports:

Education, Public Institutions, and Local Government Committee

Ed Gilbert, vice-chair of the Education, Public Institutions, and Local Government Committee, reported the committee postponed a second reading of a report and recommendation for Article VI, Section 3, relating to local school boards. He said the committee has been considering Article VI, Section 4, dealing with the state board of education and the state superintendent of public instruction. Mr. Gilbert said the committee has heard from William Phillis, who advocated for a return to an all-elected state board of education membership, as well as from Tom Gunlock, current president of the state board, who expressed his belief that the current system is not working. Mr. Gilbert said the committee heard from eight presenters on the topic at its February meeting. He said the committee will continue its discussion next month in order to reach a decision on what to recommend regarding the provision.

Finance, Taxation, and Economic Development Committee

Doug Cole, chair of the Finance, Taxation, and Economic Development Committee, reported that the committee was scheduled to meet in February, but there was a request to postpone the meeting for a month to allow testimony by the treasurer's office. Mr. Cole said the committee is scheduled to meet later in the afternoon, at which time he expects the committee to have a first presentation of a report and recommendation on obsolete provisions in Article VIII related to general obligation bonds. He said he hopes to bring the report and recommendation forward at the next meeting of the full Commission.

Judicial Branch and Administration of Justice Committee

Patrick Fischer, vice-chair of the Judicial Branch and Administration of Justice Committee, reported that the committee has been examining the role of the grand jury system. In that regard the committee has heard two presentations by Sen. Sandra Williams, and presentations by Professor Gregory M. Gilchrist, State Public Defender Tim Young, and two county prosecutors. He said the committee has engaged in discussion about possible changes to the system. Judge Fischer said some of the changes being considered could be done nonconstitutionally, but the committee has been examining other state systems, including New York and Hawaii.

Bill of Rights and Voting Committee

Richard Saphire, chair of the Bill of Rights and Voting Committee, said earlier in the day the committee took up the issue of Article I, Section 6, which prohibits slavery and involuntary servitude. He said the committee will continue to discuss the issue at its next meeting. He said the committee also voted to issue a report and recommendation for Article V, Section 6, relating to mental capacity to vote. Mr. Saphire said the committee expects to begin a review of Article V, Section 1 (Qualifications of an Elector) at its next meeting, as well as considering the issue of electronic privacy.

Constitutional Revision and Updating Committee

Dennis Mulvihill, reporting as chair of the Constitutional Revision and Updating Committee, said the committee is looking at the statutory initiative, the constitutional initiative, and the referendum process. He said the current focus is on the statutory initiative, and thanked staff for providing research and guidance on this topic. Mr. Mulvihill said the committee is reviewing potential redrafts of Article II, Sections 1b and 1g, and is discussing removing the supplementary petition requirement, raising initial signature requirement from three percent to five percent, and providing a three-year "safe harbor" provision to provide temporary protection to initiated statutes. Mr. Mulvihill said he anticipates the committee will next address the constitutional initiative process.

Legislative Branch and Executive Branch Committee

Reporting on behalf of the Legislative Branch and Executive Branch Committee, Executive Director Steven C. Hollon said last Fall the committee considered the single subject rule, but

after passage of Issue 1 (legislative redistricting) in November, the focus turned to the issue of Congressional redistricting. He said, at its January 14, 2016 meeting, the committee heard and discussed a first presentation of a report and recommendation on the issue. The committee then held a special meeting on February 4, 2016, at which it considered approving the report and recommendation as proposed. However, before the vote, the committee created a four-person subcommittee to look further into the details of the proposed amendment. The subcommittee, consisting of Fred Mills, Paula Brooks, Senator Charleta Tavares, and Representative Robert McColley, met on March 9, 2016. At the meeting, Commission member Jeff Jacobson and Bethany Sanders, legal counsel for the Ohio Senate Democratic Caucus, updated the subcommittee on discussions that had taken place on the issue and what progress had been made. Mr. Hollon said the subcommittee will continue its work and will bring a full report back to the Legislative Branch and Executive Branch Committee meeting on April 14, 2016, noting that, at this stage the subcommittee seemed positive and hopeful that a consensus could be reached on the issue of Congressional redistricting.

Executive Director's Report:

Co-chair Amstutz then recognized Mr. Hollon for his report. Mr. Hollon noted that the committees have been very busy in the past month, and that staff appreciates the guidance that chairs provide in the planning process. Mr. Hollon introduced Nick Adair and Lee Matheson, both law students at the Moritz College of Law at The Ohio State University, who are assisting the Commission this semester as legislative clinic interns.

New Business:

Co-chair Amstutz noted the Commission has been discussing whether to hold a meeting in other places in the state, and invited suggestions by committee chairs in this regard.

Mr. Saphire expressed compliments to staff for all the hard work, memoranda, and discussions that have been provided to assist his committee. Co-chair Amstutz added that staff support is exceptional, and thanked staff for making the Commission's work more productive and on target.

Adjournment:

There being no further business to come before the Commission, the meeting adjourned at 1:57 p.m.

Approval:

The minutes of the March 10, 2016 meeting of the Commission were approved at the April 14, 2016 meeting of the Commission.

/s/ Charleta Tavares

Co-chair
Senator Charleta B. Tavares
Assistant Minority Leader

/s/ Ron Amstutz

Co-chair
Representative Ron Amstutz
Speaker Pro Tempore