

*Co-Chair*  
*Charleta B. Tavares*  
*Assistant Minority Leader*  
*15<sup>th</sup> Senate District*



*Co-Chair*  
*Jonathan Dever*  
*28<sup>th</sup> House District*

## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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### MINUTES FOR THE MEETING HELD THURSDAY, FEBRUARY 9, 2017

#### **Call to Order:**

Co-chair Charleta Tavares called the meeting of the Ohio Constitutional Modernization Commission ("Commission") to order at 1:35 p.m.

#### **Members Present:**

A quorum was not present with Commission Co-chairs Tavares and Dever, and Commission members Beckett, Brooks, Clyde, Cole, Davidson, Gilbert, Jordan, Peterson, Sapphire, Skindell, Sykes, Taft, Talley, and Wagoner in attendance.

#### **Approval of Minutes:**

There being no quorum, the minutes of the December 15, 2016 meeting were not approved.

#### **Standing Committee Reports:**

##### *Coordinating Committee*

Jo Ann Davidson, vice-chair of the Coordinating Committee, reported that the committee did not meet.

#### **Subject Matter Committee Reports:**

##### *Bill of Rights and Voting Committee*

Richard Sapphire, chair of the Bill of Rights and Voting Committee, reported that the committee discussed Article V, Section 2, relating to the ballot, and Section 2a, relating to the order of names on the ballot. He said the committee had two presenters: Matthew Damschroder from the secretary of state's office, and Erik J. Engstrom, from the University of California, Davis, Department of Political Science. He said the committee is currently working on a report and recommendation for Article V, Section 2a, which the committee recommends be retained in its current form. The committee also considered and voted to recommend amending Article V,

Section 2 by adding the word “secret” before ballot. Mr. Sapphire stated that the committee hopes to meet in March to begin discussion on Article V, Section 7, which deals with primary elections.

#### *Constitutional Revision and Updating Committee*

Shari L. O’Neill, interim executive director and counsel, reporting on behalf of Dennis Mulvihill, chair of the Constitutional Revision and Updating Committee, said the committee did not meet this month, but plans to meet in March to continue its discussion on the initiative and referendum process. She said the committee hopes to have a recommendation soon.

#### *Legislative Branch and Executive Branch Committee*

Legislative Branch and Executive Branch Committee Vice-chair Paula Brooks reported that the committee is currently considering procedures and practices of the General Assembly in Article II. She said the committee has issued two reports and recommendations, both for no change. The first of these is for Article II, Sections 3, 4, 5, and 11, relating to qualifications and vacancies in the General Assembly. A second report and recommendation is for no change to Article II, Sections 6, 7, 8, 9, 13, and 14, relating to conducting business of the General Assembly.

#### *Education, Public Institutions, and Local Government Committee*

Education, Public Institutions, and Local Government Committee Vice-chair Edward Gilbert reported that the committee is reviewing Article VII, relating to Public Institutions. He said the committee is considering whether Section 1 of Article VII, which contains obsolete and offensive references to persons with disabilities, should be eliminated or modernized. He said, to that end, the committee has heard from experts in the field of disability law as well as interested parties, and will be continuing its review and consideration of Article VII at its next meeting in March.

#### *Judicial Branch and Administration of Justice Committee*

Ms. O’Neill reported on behalf of Janet Abaray, chair of the Judicial Branch and Administration of Justice Committee. She said the committee met in January to consider Article I, Section 8, regarding the writ of habeas corpus, Section 12, regarding transportation for crime, corruption of blood, and forfeiture of estate, and Section 15, prohibiting imprisonment for debt. The committee also continued a discussion of possible recommendations regarding the grand jury process, as provided in Article 1, Section 10. She said the committee is next scheduled to meet in March, at which time it will hear more about recently-enacted legislation regarding civil forfeiture law and how the new law may relate to Article I, Section 12. The committee also hopes to conclude its work on the grand jury process at the March meeting.

#### *Executive Director Report*

Ms. O’Neill introduced Chris Gawronski, this semester’s law student intern from the legislation clinic program at the Ohio State University Moritz College of Law. She said Mr. Gawronski is pursuing a law degree after serving for many years in the field of public transportation. Ms.

O'Neill noted that early in his career, Mr. Gawronski served as a Legislative Service Commission fellow as well as a legislative aide.

**New Business:**

Co-chair Tavares recognized newly appointed Co-chair Jonathan Dever. Co-chair Dever thanked previous Co-chair Amstutz and stated that he was looking forward to working with the Commission to review the Ohio Constitution.

Referencing the recent departure of Executive Director Steven C. Hollon, Co-chair Tavares said Mr. Hollon made the work much easier for her as a co-chair. Speaking on behalf of the Commission, Co-chair Tavares said "we wish him the best." She described that Mr. Hollon has taken a position as executive director of the Ohio United Way, a role that will allow him to use his legal background a little differently. She said she enjoyed working with him, describing him as a well-respected lawyer who came to the Commission from the Ohio Supreme Court with a background that was complimentary to the work of the Commission.

Commenting on Mr. Hollon's service to the Commission, Mr. Sapphire said when Mr. Hollon came on board there was an improvement in the functioning of the Commission. He said "Steve was a godsend for those who were chairs and others as well. His counsel was always wise and he will be missed."

Ms. Brooks also complimented Mr. Hollon, saying she first met him many years ago when he was a fellow for the Ohio Bar Association. She said, at that time, Mr. Hollon impressed her, and when he was hired as executive director she knew that he would work hard for the Commission. She said he "balanced many interests so well," noting her appreciation for "all the work he did on behalf of the citizens of Ohio."

**Adjournment:**

There being no further business to come before the Commission, the meeting adjourned at 2:01 p.m.

**Approval:**

The minutes of the February 9, 2017 meeting of the Ohio Constitutional Modernization Commission were approved at the March 9, 2017 meeting of the Commission.

/s/ Charleta B. Tavares  
Co-chair  
Senator Charleta B. Tavares  
Assistant Minority Leader

/s/ Jonathan Dever  
Co-chair  
Representative Jonathan Dever