

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



Co-Chair
Jonathan Dever
28th House District

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES FOR THE MEETING HELD THURSDAY, MARCH 9, 2017

Call to Order:

Co-chair Jonathan Dever called the meeting of the Ohio Constitutional Modernization Commission ("Commission") to order at 1:32 p.m.

Members Present:

A quorum was present with Commission Co-chairs Dever and Tavares, and Commission members Abaray, Asher, Beckett, Clyde, Cole, Coley, Davidson, Gilbert, Holmes, Jacobson, Jordan, Kurfess, McColley, Mulvihill, Peterson, Sapphire, Skindell, Sykes, Taft, and Trafford in attendance.

Approval of Minutes:

The minutes of the December 15, 2016 and February 9, 2017 meetings were approved.

Standing Committee Reports:

Coordinating Committee

Kathleen Trafford, chair of the Coordinating Committee, reported that the committee voted to approve four reports and recommendations: three from the Legislative Branch and Executive Branch Committee, and one from the Bill of Rights and Voting Committee. She said the committee then took up the issue of gender neutrality in the constitution. She reported that the issue of assuring gender neutrality in future constitutional provisions has been assigned to the Constitutional Revision and Updating Committee. She said the remaining question, regarding gender-specific language in the current provisions, will be addressed by the Coordinating Committee, which will prepare a report and recommendation to be brought forward soon.

Subject Matter Committee Reports:

Constitutional Revision and Updating Committee

Dennis Mulvihill, chair of the Constitutional Revision and Updating Committee, said the committee is wrapping up its work on modernizing the constitutional and statutory initiative process. He said the committee's goal is to encourage people to take the statutory initiative route, rather than the constitutional initiative route, because there has been a trend in recent years for proponents to attempt to constitutionalize measures that are better suited for the Revised Code, and to create monopolies by constitutionalizing their business plans. He added that Ohio has seen a disproportionate use of the constitutional initiative method, with 80 percent of the initiatives being constitutional and only 20 percent being statutory.

Mr. Mulvihill continued that the committee has been rewriting the initiative and referendum sections because they are poorly written and difficult to follow. He said the committee's goal is to make the initiative process more user-friendly, and additionally allow the General Assembly to enact law to modernize the petition process. He said the recommendation will also require gender-neutral language where appropriate.

He said one change involves requiring the ballot board to write the ballot language up front, before requiring the proponents to gather signatures. He said the committee has heard testimony indicating that proponents have spent money and time getting signatures only to find that the ballot board has required ballot language they do not like. He said another change streamlines the process for filing an Ohio Supreme Court action if a decision by the attorney general, secretary of state, or other party has aggrieved them. He said the committee is making the timing prospective to clarify when key events need to occur. Another change Mr. Mulvihill noted is that proponents will be allowed to suggest the title, ballot language, and explanation, if they choose. He said the committee also plans to leave to the attorney general the analysis of whether the language is fair and truthful, and leave to the ballot board the role of writing the ballot language. He said the committee will also recommend removal of the supplemental petition requirement in the statutory initiative process, requiring a one-time signature requirement of five percent.

Finally, Mr. Mulvihill described that the committee will recommend requiring 55 percent approval at the polls rather than a simple majority, and allowing the issue to go on the ballot in even-year elections. He said the basis of that concept is data indicating that, in even-year elections, about 4.8 million people vote, while in odd-year elections only about 2.8 million people vote, which is a significant drop off. He said the collective wisdom of the committee is that it is preferable to have more, rather than fewer, people approving an amendment to the constitution. He said the new process will be easier for proponents, with the hope that the changes will take out any gamesmanship that may currently exist. Mr. Mulvihill said the committee expects to have a first presentation on a report and recommendation in April, and the proposal should be before the Commission in about three months.

Bill of Rights and Voting Committee

Richard Saphire, chair of the Bill of Rights and Voting Committee, reported that the committee first considered a report and recommendation regarding Article V, Section 2, which states that all

elections shall be by ballot. He said the report and recommendation would have amended that section to include the word “secret,” but, after a debate, the committee voted to reject the report and recommendation. However, he said the committee wished to consider at a future meeting whether to include language that would help secure the ballot from efforts to “hack” election results. He said the committee also considered Article V, Section 2a, which relates to names of candidates on the ballot, and unanimously voted to issue a report and recommendation for no change to that provision. He said the committee also considered Article V, Section 7, relating to the primary election process, identifying two issues for potential revision. First, the committee’s consensus was to consider repealing as obsolete a phrase regarding the “preferential senatorial vote” as a result of the adoption of the Seventeenth Amendment to the United States Constitution. The committee also indicated it would like to consider the possibility of including federal offices as one of the listed offices for which the primary petition would provide a way to the ballot.

Legislative Branch and Executive Branch Committee

Reporting for the Legislative Branch and Executive Branch Committee, committee member Bob Taft said the committee voted to issue a report and recommendation for Article II, Sections 10 and 12, dealing with the rights and privileges of the General Assembly, specifically, the right to record a protest, and the privilege against arrest while going to and from legislative session, and also from having to answer elsewhere for speeches or debates made by members in the General Assembly. He said the committee also has issued two reports and recommendations for no change to multiple Article II sections: Article II, Sections 3, 4, 5, and 11 (Member Qualifications and Vacancies in the General Assembly); and Article II, Sections 6, 7, 8, 9, 13, and 14 (Conducting Business of the General Assembly). He said the committee hopes to have a first presentation of a report and recommendation for Article II, Sections 15, 16, 26, and 28 (Enacting Laws) at its next meeting, as well as to begin considering some sections of Article III, dealing with the Executive Branch.

Education, Public Institutions, and Local Government Committee

Education, Public Institutions, and Local Government Committee Vice-chair Edward Gilbert reported that the committee will meet later in the day to continue its review of Article VII, which deals with public institutions, including Sections 2 and 3 relating to the penitentiary. He said the committee is considering how to change Section 1 of Article VII, dealing with institutions for the “insane, blind, deaf and dumb.”

Judicial Branch and Administration of Justice Committee

Janet Abaray, chair of the Judicial Branch and Administration of Justice Committee, said the committee will meet immediately after the full Commission meeting. She said the committee will hear from Robert Alt, from the Buckeye Institute, who will be addressing the topic of civil forfeiture in relation to the committee’s review of Article I, Section 12 (Transportation for Crime, Corruption of Blood, and Forfeiture of Estate). She said the committee also will have a presentation on two other reports and recommendations, one for Article I, Section 8 (Writ of Habeas Corpus), and Article I, Section 15 (No Imprisonment for Debt). She said the committee will consider two versions of a report and recommendation regarding the grand jury process, looking at two possible changes: one involving the availability of transcripts and the other

involving a Hawaii model of having a grand jury legal advisor present to assist the grand jury. She said the committee has specific language related to those concepts that it can consider at its meeting. She said the committee had a presentation by Commission member Mark Wagoner regarding a proposal to amend the Modern Courts Amendment, and has received a letter from the Supreme Court in response to that proposal. She said the committee will discuss that issue at a future meeting.

Finance, Taxation, and Economic Development Committee

Doug Cole, chair of the Finance, Taxation, and Economic Development Committee, reported that, at its next meeting, the committee will address the role of the treasurer of state. He said, in light of the committee's recommendation, adopted by the Commission, that provisions related to the sinking fund be repealed, the committee will consider whether it would be prudent to include in the constitution a mandatory debt reporting function on the part of the treasurer. He said the committee will have a speaker from the Office of the Treasurer and a speaker from the Office of Budget and Management attend the meeting to provide their views on the topic.

Reports and Recommendations:

Article II, Sections 3, 4, 5, and 11

(Member Qualifications and Vacancies in the General Assembly)

Co-chair Dever recognized Shari L. O'Neill, interim executive director and counsel to the Commission, for the purpose of providing a first presentation of a report and recommendation for Article II, Sections 3, 4, 5, and 11. She said the report indicates the committee's recommendation that the sections be retained in their current form. She said the report further describes that these sections address the qualifications of members of the General Assembly, as well as providing for filling vacancies in legislative seats. Originally adopted as part of the 1851 constitution, she said the report states that the sections specifically describe residency requirements and restrictions on those who serve in the General Assembly, and the method for filling a vacancy in the General Assembly.

Ms. O'Neill continued that the report outlines the changes recommended by the Constitutional Revision Commission in the 1970s, as well as amendments to the sections. She said the report also describes related litigation, as well as documenting the committee's discussion and consideration of the sections. She said the report expresses the committee's conclusion that the sections continue to appropriately and effectively guide the legislature's organization and operation, and so should be retained in their current form.

Co-chair Dever thanked Ms. O'Neill for this first presentation of the report and recommendation for these sections. He asked whether there were any comments in relation to the report and recommendation.

Commission member Charles Kurfess asked whether there are any court decisions related to the requirement in Section 3 that legislators have resided in their respective districts for one year before their election. Ms. O'Neill noted a case cited in the report and recommendation, *State ex rel. Husted v. Brunner*, 123 Ohio St. 3d 288, 2009-Ohio-5327, 915 N.E.2d 1215, dealt with that issue.

With regard to Section 11, which prescribes the procedure for filling vacancies, Mr. Kurfess asked whether anyone has raised the issue of filling a vacancy if the individual member whose departure caused the vacancy was elected in some capacity other than as a member of the Republican or Democratic Party. He noted that the current trend is for more candidates to run as independents, but the current provision does not seem to be designed for that situation.

Senator Bill Coley said he is not aware of any member who did not caucus with someone, so that, even in the United States Congress, where members are elected as independents, they choose to caucus with one party caucus or the other. He said a situation in which someone was truly independent and did not caucus with anyone and then left, that would pose a quandary. But, he said, under the current rules, if an independent caucuses with a party, it would be up to that party to replace that person.

Commission member Jeff Jacobson disagreed, indicating that the replacement would depend on what the person was elected as. He noted an example in which a Democrat was elected but joined the Republican Party after being elected; indicating that if that person had left the Democratic Party would have chosen his replacement.

Mr. Kurfess said, as he reads it, what the member does after he gets to the legislature does not affect which party replaces the legislator if there is a vacancy.

Co-chair Dever suggested that question could be put to the Legislative Branch and Executive Branch Committee to determine how it might be addressed.

Article II, Sections 6, 7, 8, 9, 13, and 14 (Conducting Business of the General Assembly)

Co-chair Dever continued to recognize Ms. O'Neill for the purpose of providing a first presentation of a report and recommendation for Article II, Sections 6, 7, 8, 9, 13, and 14. Ms. O'Neill said the report describes that Section 6 outlines the powers of each house of the General Assembly, requiring each house to be the judge of the election, returns, and qualifications of its own members, setting the number of members for a quorum, allowing each house to prescribe punishment for disorderly conduct, and to obtain information necessary for legislative action, including the power to call witnesses and obtain the production of books and papers. She said the report describes that Section 7 provides for the organization of each house of the General Assembly, allowing the mode of organizing to be prescribed by law, and requiring each house to choose its own officers, with there being designated a president of the Senate and a Speaker of the House of Representatives. Ms. O'Neill indicated the report outlines that Section 8 governs the calendar of the General Assembly, and allows the governor, or the presiding officers of the general assembly chosen by the members thereof, acting jointly, to convene the general assembly in special session by a proclamation which may limit the purpose of the session.

She said the report states that Section 9 requires the two chambers to keep and publish a journal of proceedings, and to record the votes. The report also indicates that Section 13 relates to the public nature of the legislative process, requiring open proceedings except where, in the opinion of 2/3s of those present, secrecy is required. Finally, Ms. O'Neill stated, the report outlines that Section 14 controls the ability of either house to adjourn, providing that neither may adjourn for more than five days without the consent of the other. Ms. O'Neill indicated that the report and

recommendation describes the work of the 1970s Constitutional Revision Commission on these sections, indicating where amendments were recommended and adopted. She said the report also outlines litigation involving the provisions before describing the discussion and consideration by the committee. She said the report indicates the committee's conclusion that Article II, Sections 6, 7, 8, 9, 13, and 14 should be retained in their current form.

Co-chair Dever thanked Ms. O'Neill for this first presentation of the report and recommendation for Sections 6, 7, 8, 9, 13, and 14 of Article II. There were no comments or discussion offered in relation to these sections.

Article II, Sections 10 and 12 (Rights and Privileges of Members of the General Assembly)

Co-chair Dever continued to recognize Ms. O'Neill for the purpose of a first presentation of a report and recommendation for no change to Article II, Sections 10 and 12.

Ms. O'Neill said the report and recommendation describes that Section 10 provides a right of legislative members to protest, and to have their objections recorded in the journal. Discussing Section 12, she said the report and recommendation describes the historic basis for the idea that legislative representatives must be able to freely engage in debate, consult with staff and constituents, and travel to and from legislative session without hindrance. She said the report further describes the work of 1970s Commission, indicating that its Committee to Study the Legislature issued a report in which it concluded that because dissenting legislators now have the ability to publicize their views in the news media, the protest provision is "an anachronism and appropriate for removal." She said the report indicates that, despite this recommendation, the question was not taken up by the full 1970s Commission, and, so remains as it was adopted in 1851. The report indicates the 1970s Commission did not address Section 12, thus, it also remains in its 1851 form.

Ms. O'Neill continued that the report addresses litigation involving the provisions, as well as describing presentations related to the speech or debate clause in Section 12. She said the report and recommendation indicates the committee's discussion and consideration, documenting the committee's conclusion that, because the journal is the official record of the business of the General Assembly, and the member filing the protest can directly control the message being communicated, it is important to retain that right. She said the report also indicates the committee's conclusion that that Section 12 should be retained because legislative privilege helps to maintain the separation of powers, noting that many communications that occur in the executive and judicial branches of government are recognized as privileged. She said the report acknowledges the views of some of the committee that legislators are acting on behalf of citizens and should, as much as possible; maintain transparency as they conduct their duties. In addressing the confidentiality of communications between legislators and legislative staff, she said the report notes committee members' observation that the privilege allows legislators to effectively perform their role.

She said the report and recommendation indicates the Legislative Branch and Executive Branch Committee's conclusion that Article II, Sections 10 and 12 continue to serve the General Assembly and should be retained in their current form.

Co-chair Dever thanked Ms. O'Neill for this first presentation of the report and recommendation for Sections 10 and 12 of Article II. He invited any questions or comments and there were none.

Article V, Section 2a (Names on the Ballot)

Co-chair Dever recognized Christopher Gawronski, legal intern, for the purpose of providing a first presentation of a report and recommendation for no change to Article V, Section 2a, relating to the order of names of candidates on the ballot. Mr. Gawronski said the report describes the current provision, deriving from a 1949 constitutional initiative, was intended to bar straight-party voting, emphasizing the candidates for office rather than their political parties by using an office-bloc format. He said the report indicates the provision was subsequently amended twice to clarify how rotation of names on ballots is to occur. He said the report outlines the presentations offered on the issue, including testimony by Matthew Damschroder, assistant secretary of state, who described the current procedure for rotating names on Ohio ballots, as well as by Professor Erik Engstrom, of the University of California, Davis, who discussed the history of ballots in Ohio, and noted Ohio is the only state to prescribe name rotation on ballots by constitutional provision rather than statute. Mr. Gawronski said the report concludes with the committee's sense that the current wording provides the necessary flexibility to the General Assembly to provide for the specifics of name rotation based on the needs of new voting methods and technologies, so that no change is necessary.

Co-chair Dever thanked Mr. Gawronski for this first presentation of the report and recommendation for Section 2a of Article V. He invited any questions or comments.

Sen. Coley indicated the Senate is currently considering how to address an issue that has arisen in some counties where there may be 15 or 20 judicial races on the ballot, and all of the judicial races except for one are uncontested. He said if the one uncontested race is at the bottom of the ballot, it can result in voter drop off. So, he said, there has been discussion about the possibility of allowing the contested race to appear at the top. He offered that issue for the committee to consider.

Article VI, Section 5 (Loans for Higher Education)

Co-chair Dever recognized Ms. O'Neill for the purpose of providing a second presentation on a report and recommendation for no change to Article VI, Section 5, relating to loans for higher education. Ms. O'Neill indicated the report and recommendation by the Education, Public Institutions, and Local Government Committee expresses that the section articulates a policy encouraging financial support for state residents wishing to pursue higher education, declaring it to be in the public interest for the state to guarantee the repayment of student loans.

Ms. O'Neill continued that the report describes the history of the section, as well as indicating it has not been amended or reviewed since its adoption. She said the report indicates the section has not been subject to any Ohio Supreme Court decisions. Ms. O'Neill said the report describes that presentations by two former directors of the commissions that oversaw the state student loan program would support the conclusion that the constitutional section is currently nonfunctional, however, the committee recommends the section be retained because it could be necessary in the future to accommodate changes to the federal student loan program, or to support programs that forgive student loan debt in order to foster the provision of needed services in underserved areas

of the state. Thus, she said, the report documents the committee’s recommendation to retain the section in its present form.

Co-chair thanked Ms. O’Neill for the presentation. He asked for any comment or discussion and there was none. He then asked for a motion to adopt the report and recommendation. Mr. Gilbert so moved, with Commission member Jo Ann Davidson seconding the motion.

Co-chair Dever asked for a roll call vote, which was as follows:

Co-chair Tavares – yea
Co-chair Dever – yea
Abaray – yea
Asher – yea
Beckett – yea
Clyde – yea
Cole – yea
Coley – yea
Davidson – yea
Gilbert – yea
Holmes – abstain
Jacobson – yea
Jordan – yea
Kurfess – yea
McColley – yea
Mulvihill – yea
Peterson – yea
Saphire – yea
Skindell – yea
Sykes – yea
Taft – yea
Trafford – yea

The motion passed unanimously, by a vote of 21 in favor, with none opposed, one abstention, and seven absent.

Article VI, Section 6 (Tuition Credits Program)

Co-chair Dever then recognized Ms. O’Neill to present a report and recommendation on Article VI, Section 6, relating to Ohio’s tuition credits program. Stating the report by the Education, Public Institutions, and Local Government Committee concludes the section should be retained in its current form, Ms. O’Neill described that Section 6 is designed to promote the pursuit of higher education by establishing in the constitution a government-sponsored program to encourage saving for post-secondary education. Ms. O’Neill said the report summarizes the history of the section, indicating it was adopted in order to address concerns about the tax exempt status of college savings plans. Ms. O’Neill said the report indicates these concerns were resolved by changes in the federal tax code that confirmed the exempt status of these “529 plans,” so named for the Internal Revenue Code section that describes them. She said the report outlines a presentation to the committee by the director of the agency that oversees the program,

as well as documenting the committee's sense that, although the need for the provision was resolved by the tax code change, the section should be retained because one purpose of the provision is to establish the full faith and credit backing of the state for one of the savings plans offered by the program. She said the report indicates the committee's conclusion that the fact that some accounts are still active may require the constitutional provision to be retained in its current form. Thus, she said, the report concludes Article VI, Section 6 should be retained.

Co-chair Dever thanked Ms. O'Neill for her presentation, and asked if there were questions or comments from the audience or the Commission. There being none, he called for a motion to adopt the report and recommendation. Mr. Saphire so moved, with Mr. Gilbert seconding the motion.

Co-chair Dever asked for a roll call vote, which was as follows:

Co-chair Tavares – yea

Co-chair Dever – yea

Abaray – yea

Asher – yea

Beckett – yea

Clyde – yea

Cole – yea

Coley – yea

Davidson – yea

Gilbert – yea

Holmes – abstain

Jacobson – yea

Jordan – yea

Kurfess – yea

McColley – yea

Mulvihill – yea

Peterson – yea

Saphire – yea

Skindell – yea

Sykes – yea

Taft – yea

Trafford – yea

The motion passed unanimously, by a vote of 21 in favor, with none opposed, one abstention, and seven absent.

Article VIII, Sections 2l, 2m, 2n, 2o, 2p, 2q, 2r, 2s (Additional Authorization of Debt Obligations)

Co-chair Dever recognized Doug Cole, chair of the Finance, Taxation, and Economic Development Committee, for the purpose of providing a first presentation of the committee's report and recommendation on Article VIII, Sections 2l through 2s, relating to the authorization of debt obligations.

Mr. Cole indicated the sections covered by the report and recommendation contrast with other debt authorization sections in Article VIII in that they still have outstanding bonding amounts and are still in use, therefore the report recommends retaining Sections 21 through 2s.

Mr. Cole indicated the report and recommendation outlines that the sections authorize debt to fund projects relating to state infrastructure, and that the sections are relatively recent and, for the most part, have not been amended. He said the report indicates there has been no litigation relating to the sections and concludes that because the bonds are still outstanding, the committee did not recommend change.

Co-chair Dever thanked Mr. Cole and asked if there were questions or comments regarding the report and recommendation. There being none, he called for a motion to adopt the report and recommendation. Mr. Gilbert so moved, with Sen. Coley seconding the motion.

Co-chair Dever asked for a roll call vote, which was as follows:

Co-chair Tavares – yea

Co-chair Dever – yea

Abaray – yea

Asher – yea

Beckett – yea

Clyde – yea

Cole – yea

Coley – yea

Davidson – yea

Gilbert – yea

Holmes – abstain

Jacobson – yea

Jordan – yea

Kurfess – yea

McColley – yea

Mulvihill – yea

Peterson – yea

Sapphire – yea

Skindell – yea

Sykes – yea

Taft – yea

Trafford – yea

The motion passed unanimously, by a vote of 21 in favor, with none opposed, one abstention, and seven absent.

Executive Director Report

Co-chair Dever recognized Ms. O'Neill for the purpose of providing an executive director's report. Ms. O'Neill indicated that Commission members have been provided a copy of a new edition of the Rules of Procedure and Conduct. She said the edition incorporates changes that were adopted by the Commission in the fall of 2016, indicating that the changes include a

revision to Rule 3.9, providing that a quorum for the purposes of conducting business is 17, rather than 21 members; and a change to Rules 5.4 and 5.5, effectively combining the Public Education and Information Committee with the Liaisons with Public Offices Committee, to form the Public Information and Liaisons with Public Offices Committee.

Ms. O'Neill indicated that, under Rule 3.9, the Commission requires a quorum of 17 members in order to do business such as approving minutes and voting to adopt a report and recommendation for no change. She continued that a quorum for purposes of adopting a report and recommendation for a new constitutional provision, or for a change in an existing constitutional provision remains at 22 members.

Old Business:

Co-chair Dever recognized Mr. Saphire, who asked whether Commission members would be receiving an account of the progress of recommendations that have been forwarded by the Commission to the General Assembly. Co-chair Dever said that the information would be provided and circulated to the Commission when the time is right.

Senator Vernon Sykes asked if new Commission members have been assigned to specific committees. Co-chair Tavares said the new members who are filling legislative member vacancies will be taking the position of the member they are replacing until there is a full complement of commissioners, and then once those appointments are made the decision about committees would be made so that assignments would not have to be done twice.

Public Comment:

Co-chair Dever recognized Don H. Thompson, a member of the public who appeared to speak with the Commission.

Addressing the issue of Congressional redistricting, Mr. Thompson said, in 2015, Ohio took a giant step forward in adopting a better method for shaping voting districts for the state legislature. But, he said, the General Assembly did not take the opportunity to include Congressional redistricting reform. He noted expectations that the overwhelming passage of the 2015 initiative would spur action to end gerrymandered Congressional districts, but, he said, 2016 came and went without progress on that issue. He urged action on the question because, as he noted, "gerrymandered districts have become a major contributor to unproductive political polarization that is definitely on the rise throughout our state and throughout our nation."

Mr. Thompson continued that various citizens' groups have formed a coalition to advocate for fair and competitive voting districts, noting that more than a dozen newspaper editorials also have advocated for change. Mr. Thompson said it is disappointing to see the slow pace of progress by the Commission on this topic. He said he recently wrote to the House Speaker and the Senate President to request a clarification on their position. He said he received a reply from the speaker that indicated he would keep Mr. Thompson's views in mind as he continues to discuss the topic with others. Mr. Thompson indicated his concern that the speaker may not wish to fix the problem prior to the next map re-drawing cycle. He said he has not yet received a response from the Senate President. Mr. Thompson expressed that "more time and money will get spent on this topic because some politicians desire to preserve an unfair hold on political

power.” Mr. Thompson said “the General Assembly is missing an opportunity to demonstrate solid support for fairness principles and make Ohio a model for the rest of the nation.” Mr. Thompson stated that “voters should have a fair opportunity to select their representatives without the back-room political operatives, contracted map-makers, and expensive court-room challenges.”

Mr. Thompson said he would like to see the Commission stop the inertia on the topic, set a brisk pace to propose reform, establish a committed timeline in 2017 for reform, demonstrate that the General Assembly is capable of putting the best interests of constituents first, and persuade leadership that a fair process is needed for the 2021 redistricting cycle.

Mr. Thompson having concluded his remarks, Co-chair Dever thanked him for his presentation. Co-chair Dever then recognized Mr. Jacobson for comment.

Mr. Jacobson indicated that he and Sen. Sykes, who was seated next to him, negotiated the legislative redistricting reform measure. He said he shares Mr. Thompson’s frustration about redistricting reform for the Congressional districts. He said he would point out that if members of the General Assembly wanted to preserve their own easy districts they would not have passed the joint resolution for legislative redistricting reform. So, he said, he thinks “we can be both frustrated with the slow pace on Congressional without it meaning that people were looking out to preserve what matters to them.” He said a big part of last year was spent trying to negotiate and that they thought they had reached a good conclusion in November only to have it undone. He said the one thing that should not be done is to set up a new system of gerrymandering to replace the old one, which is his fear about ballot initiatives, in that the proponents are not neutral. He said it is better if it is done the way Issue 1 was done on the November 2015 ballot, where both sides worked it out together.

Adjournment:

There being no further business to come before the Commission, the meeting adjourned at 2:40 p.m.

Approval:

The minutes of the March 9, 2017 meeting of the Ohio Constitutional Modernization Commission were approved at the April 13, 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