



LEAGUE OF WOMEN VOTERS® OF OHIO

17 South High Street, Suite 650 • Columbus, Ohio 43215

Phone (614) 469-1505 • Fax (614) 469-7918

www.lwvohio.org

Ohio Constitutional Modernization Commission

Committee on Constitutional Revision and Updating

Ann Henkener, League of Women Voters of Ohio

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Thank you for undertaking the task of bringing more clarity and ease of understanding to very complicated sections of the Ohio Constitution. Thank you also for an opportunity to share our thoughts about the proposal the Committee is considering today.

The initiative and referendum section of the Ohio Constitution provide Ohio citizens an important opportunity to engage in direct democracy. Over the last several decades the constitutional initiative process had begun to be used to advance narrow commercial interests. In response voters approved an amendment in 2015 to require that future proposals affecting commercial interests could be approved only after a two-step voting process. The League supported that proposal. Further limits on constitutional initiatives are not needed and the League opposes increasing the percentage of votes needed to pass the initiative to 55% and opposes a limitation on which general elections ballots the proposal may appear. If the policy reason for these changes is that higher voter support should be needed for a change to the Ohio Constitution, this same need for higher support should apply to constitutional amendments proposed by the Ohio General Assembly.

The League supports the proposals to make the process for initiated statutory amendments easier. It should take away some of the current reasons to propose an initiated amendment rather than an initiated statute. The incentive to use the statutory process could be further enhanced by increasing the safe harbor to 10 years and decreasing the number of signatures needed to 3%.

The League fully supports the proposed streamlining of the Ohio Ballot Board functions to require the Ballot Board to approve the title and the ballot language at the same time it considers whether the proposal is one issue.

Revising the initiative and referendum sections of the Ohio Constitution is a monumental task. Despite considerable amount of time being spent on it, there are still areas that may need refinement. Some examples are:

- Almost all important activities include deadlines except the review of the summary by the Attorney General. Currently that is in statute. It would be simpler if it were in the Constitution along with all of the other timeframes.
- In 1a. a circulating petition must include the title and ballot language as well as the full text. It specifically states no other summary is required. Then at the end in 1d. it says petitions shall contain title, text and summary approved by the AG.

This is not an exhaustive list, but meant to indicate continued review will be needed.

Thank you for your time and attention. I would be happy to answer any questions.