

BEFORE THE OHIO BALLOT BOARD

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Meeting of the Ohio :
Ballot Board Pursuant :
to R.C. 3505.062. :

- - -

PROCEEDINGS

before the Ohio Ballot Board, Finan Finance Hearing
Room, Ohio Statehouse, 1 Capitol Square, Columbus,
Ohio, on Thursday, April 14, 2016, called at 10:34
a.m.

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Ballot Board:

Secretary of State Jon Husted
Senator Bill Coley
Senator Michael Skindell
Mr. William N. Morgan
Representative Kathleen Clyde

Also Present: Carrie Kuruc,
Senior Elections Counsel.

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1 Thursday Morning Session,
2 April 14, 2016.

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4 CHAIRMAN HUSTED: Good morning, all. My
5 name is Jon Husted. I am the Ohio Secretary of State
6 and chair of the Ballot Board. I'd like to call the
7 meeting to order.

8 If I could ask my Senior Elections
9 Counsel Carrie Kuruc to serve as the Secretary of the
10 Board today.

11 I will also let you know that the
12 proceedings of the Ballot Board will be transcribed
13 by a court reporter from Armstrong & Okey, and the
14 Ohio Channel will be streaming the meeting live on
15 the website where it will be archived.

16 If I could ask the secretary to please
17 call the roll.

18 Back up. We have a new member. We need
19 to swear in our new member before we call the roll in
20 that particular situation.

21 Senator Turner has resigned from the
22 Ballot Board, and so the Senate Minority Leader has
23 named a replacement, and that is my former colleague,
24 Senator Skindell.

25 Welcome.

1 (Senator Skindell sworn in.)

2 CHAIRMAN HUSTED: Congratulations, an
3 welcome to the Ballot Board.

4 Now, if you would, Secretary, please call
5 the roll.

6 MS. KURUC: Secretary Husted.

7 CHAIRMAN HUSTED: Here.

8 MS. KURUC: Mr. Morgan.

9 MR. MORGAN: Here.

10 MS. KURUC: Senator Coley.

11 SENATOR COLEY: Here.

12 MS. KURUC: Representative Clyde.

13 REPRESENTATIVE CLYDE: Here.

14 MS. KURUC: Senator Skindell.

15 SENATOR SKINDELL: Here.

16 CHAIRMAN HUSTED: Okay. We have a
17 quorum.

18 The Ballot Board's purpose is to examine
19 an initiated constitutional amendment to determine
20 whether or not it contains one proposal or more.

21 The Ballot Board must determine the
22 proposal - must divide the proposal if it does
23 contain more than one amendment and certify them as
24 separate amendments to the Attorney General.

25 Petitioners would then need to submit to

1 the Attorney General summaries of each separate
2 ballot initiative proposal. Should the Attorney
3 General find the newly submitted summaries to be fair
4 and truthful, the petitioners would then need to
5 collect signatures for each petition individually in
6 an amount equal to 10 percent of the total vote cast
7 for the Governor in 2014.

8 The text and summary of the proposed
9 amendment will be provided to the Ballot Board
10 members in advance of the meeting. There are also
11 extra copies on the proposal. Extra copies are
12 available up front.

13 If anyone here wishes to address the
14 Board about whether the proposed constitutional
15 amendment regarding medical marijuana and industrial
16 hemp as a single issue, please sign up on the sheet
17 located at the front of the room.

18 I will note before we get started, just
19 for public consumption, that this will be the seventh
20 issue that the Ballot Board has certified as it
21 relates to marijuana.

22 Previous issues were Ohioans for Medical
23 Marijuana Amendment, which we certified last month;
24 the Cannabis Control Amendment, which was June of
25 2015; the Legalize Marijuana and Hemp in Ohio, which

1 was in May of 2015; the Cannabis Rights Amendment in
2 May of 2013; the Ohio Medical Cannabis Amendment of
3 January of 2012; the Ohio Alternative Treatment
4 Amendment of October of 2011. I believe the House of
5 Representatives announced it has its own proposal
6 yesterday, so this is a topic of great attention in
7 the state of Ohio and certainly will continue to be
8 so in the coming months.

9 At this point in time I would like to ask
10 anyone that wishes to come forward to address the
11 issue of whether this is one amendment of more to
12 please come forward and identify themselves.

13 MR. WIRTSHAFTER: Thank you,
14 Mr. Secretary. My name is Don Wirtshafter. I am an
15 attorney from Athens, Ohio, and I represent the group
16 Grassroots Ohioans that is circulating this petition.

17 I would point to the Board that this
18 petition does try to regulate cannabis and divide it
19 into two things to be regulated, stuff to be used for
20 medicine and stuff to be used for industry, but it's
21 one subject, and the Board has previously approved
22 two initiatives that have the same substantive
23 matter, and one of them was approved four years ago
24 that was very similar in language to what we have
25 today.

1 CHAIRMAN HUSTED: Okay. Which is the one
2 that was approved four years ago, which particular
3 amendment?

4 MR. WIRTSHAFTER: It was the Ohio Medical
5 Cannabis Amendment.

6 CHAIRMAN HUSTED: January of 2012.

7 MR. WIRTSHAFTER: Yes, sir.

8 CHAIRMAN HUSTED: Is this the same group,
9 or is it just a different group?

10 MR. WIRTSHAFTER: It's evolved. It's
11 people who didn't like what's happening with all the
12 other groups, so we formed our own.

13 CHAIRMAN HUSTED: Okay. So it's not the
14 same group, but it's an evolution of that proposal
15 and many of the same participants?

16 MR. WIRTSHAFTER: Yes, sir. I, myself,
17 was one of the committee to represent the petitioners
18 of that petition four years ago.

19 CHAIRMAN HUSTED: Okay. Are there any
20 questions?

21 Senator Coley.

22 SENATOR COLEY: And thank you for being
23 here today. In looking over your amendment, you're
24 leaving it then to the General Assembly to craft laws
25 as to when something is medicinal and when something

1 is not medicinal? And then -- well, let me ask that
2 question first. So on the issue of medicinal and
3 nonmedicinal, that would be up to the General
4 Assembly then to craft legislation on when something
5 is for medicinal purpose or not?

6 MR. WIRTSHAFTER: What we're trying to do
7 here is put into our Ohio Constitution only those
8 provisions that we think need to be in the
9 constitution. We're being very careful here not to
10 try to regulate an issue in the constitution. We
11 feel the legislature is the right place and the laws
12 of Ohio are the right place to put most of these
13 changes, and we have faith in the legislature being
14 able to do those changes.

15 As to your question, the ultimate
16 decision of whether to use this as a medicine is up
17 to the patient, not the doctors or the lawyers or the
18 bureaucrats. But the state of Ohio is given the
19 control over the commercial production and processing
20 and distribution of cannabis, and in those
21 provisions, the state can define what medical is,
22 what conditions the state will allow to be used in
23 this system.

24 SENATOR COLEY: A follow-up,
25 Mr. Secretary?

1 CHAIRMAN HUSTED: Senator Coley.

2 SENATOR COLEY: Then on the issue in the
3 section where you say that an individual shall not be
4 considered under the influence of cannabis under Ohio
5 law solely because of the presence, I take it then --
6 and then you talk about the legal definition of
7 impairment. So you're saying that the legislature
8 can set some -- in effect, if there's a trace amount
9 in there, it can't constitute impairment, but then
10 you're leaving it then to the General Assembly to set
11 the level of presence that could constitute
12 impairment, and you're insisting that that be done by
13 scientific means, right?

14 MR. WIRTSHAFTER: Yes. We can't use
15 voodoo to try to prosecute people.

16 SENATOR COLEY: Thank you, Mr. Secretary.

17 CHAIRMAN HUSTED: Any other questions?

18 Since the issue came up, just so that we
19 understand it, that I understand it, when you
20 referenced in the exchange that you and Senator Coley
21 had, what about an employer that does drug testing
22 for the purpose of employment? This doesn't impede
23 them from drug testing their employees to make
24 sure -- over safety concerns, would it?

25 MR. WIRTSHAFTER: No. This has no effect

1 on that. It does not. Most of the drug testing is
2 federally mandated, and this is very clear that it
3 has no effect under any of these federal mandates.

4 CHAIRMAN HUSTED: Okay. Thank you.

5 MR. WIRTSHAFTER: Thank you.

6 CHAIRMAN HUSTED: Is there anybody else
7 in attendance today that wishes to speak on whether
8 this is a single issue or more than one issue?

9 Okay. All right. Is there any
10 discussion by the Board?

11 Senator Coley.

12 SENATOR COLEY: Mr. Secretary, I take it
13 that counsel for the Secretary of State's Office has
14 had an opportunity to review this proposal, and I was
15 wondering if counsel had opined as to whether or not
16 they believe this to be a single subject?

17 CHAIRMAN HUSTED: The legal team has
18 reviewed this and believes it to be a single subject.

19 SENATOR COLEY: Thank you.

20 CHAIRMAN HUSTED: Any other questions?

21 Do we have a motion?

22 Mr. Morgan.

23 MR. MORGAN: So moved.

24 CHAIRMAN HUSTED: Mr. Morgan moves that
25 it be adopted as a single issue.

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Do we have a second?
SENATOR SKINDELL: Second.
CHAIRMAN HUSTED: Senator Skindell
seconds.
Please call the roll.
MS. KURUC: Secretary Husted.
CHAIRMAN HUSTED: Yes.
MS. KURUC: Mr. Morgan.
MR. MORGAN: Yes.
MS. KURUC: Senator Coley.
SENATOR COLEY: Yes.
MS. KURUC: Representative Clyde.
REPRESENTATIVE CLYDE: Yes.
MS. KURUC: Senator Skindell.
SENATOR SKINDELL: Yes.
CHAIRMAN HUSTED: Motion carries
unanimously.
Is there any other business to be brought
before the Ballot Board today?
Hearing none, we stand adjourned.
MR. WIRTSHAFTER: Thank you.
(The meeting adjourned at 10:46 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Thursday, April 14, 2016, and carefully compared with my original stenographic notes.

Rosemary Foster Anderson

Rosemary Foster Anderson,
Professional Reporter and Notary
Public in and for the State of
Ohio.

My commission expires April 5, 2019.
(rfa-80744)

