

BEFORE THE STATE OF OHIO BALLOT BOARD

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In the Matter of the :
 Examination of a Proposed :
 Constitutional Amendment :
 Regarding Kidney Dialysis :
 Patient Protection to :
 Determine Whether It :
 Contains Only One Proposed :
 Amendment and :
 Dissemination of :
 Information and :
 Advertising, Ballot :
 Language, Explanation, and :
 Argument Regarding Issue :
 1. :

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PROCEEDINGS

before Secretary of State Jon Husted, Chair; Senator Frank LaRose; Senator Michael J. Skindell; Mr. William N. Morgan; and Representative Kathleen Clyde, Ohio Ballot Board, at the Ohio Statehouse, 1 Capitol Square, Finan Finance Hearing Room, Columbus, Ohio, called at 10:11 a.m. on Tuesday, February 20, 2018.

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1 Tuesday Morning Session,

2 February 20, 2018.

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4 SECRETARY HUSTED: Call the meeting of
5 the Ballot Board to order. I'm Jon Husted. I'm the
6 Ohio Secretary of State and Chairperson of the Ballot
7 Board. Carrie Kuruc is our Senior Elections Counsel
8 and will serve as the Secretary of the Ballot Board
9 this afternoon -- or this morning.

10 A record of these proceedings will be
11 transcribed by a court reporter from Armstrong &
12 Okey, and the Ohio Channel is streaming this meeting
13 live on their website where it will be archived.

14 Before we call the roll, I would like to
15 swear in a new member of the Ballot Board. We have a
16 resignation from Senator -- Senator Hottinger, and in
17 accordance with Revised Code Section 3505.061, the
18 Senate President has named a replacement and that
19 replacement is Senator Frank LaRose who will fill the
20 vacancy.

21 At this time I would like to administer
22 the oath to Senator LaRose. If you would please
23 raise your right hand.

24 (Senator LaRose sworn in.)

25 SECRETARY HUSTED: All right.

1 Congratulations, Senator LaRose.

2 And, now, we can proceed with the quorum
3 calling of attendance for the Ballot Board. If you
4 would please do so.

5 MS. KURUC: Secretary Husted.

6 SECRETARY HUSTED: Here.

7 MS. KURUC: Mr. Morgan.

8 MR. MORGAN: Here.

9 MS. KURUC: Senator LaRose.

10 SENATOR LaROSE: Here.

11 MS. KURUC: Representative Clyde.

12 REPRESENTATIVE CLYDE: Here.

13 MS. KURUC: Senator Skindell.

14 SENATOR SKINDELL: Here.

15 SECRETARY HUSTED: All right. We have a
16 quorum.

17 Today's meeting agenda contains actions
18 on two separate ballot proposals. First -- the first
19 Ballot -- the first the Ballot Board must examine the
20 newly proposed constitutional amendment regarding
21 kidney dialysis patient protection to determine
22 whether it contains only one proposed amendment.
23 Second, the Ballot Board must consider several items
24 for State Issue 1 on the May 8, 2018, primary
25 election ballot, prescribe and certify that ballot

1 language, an explanation, and an argument against the
2 constitutional amendment regarding the congressional
3 redistricting proposed by the General Assembly.

4 So those are on our agenda today. In
5 addition, the Ballot Board must direct the means by
6 which the information on the issue will be
7 disseminated to the voters.

8 First, we will move to the kidney
9 dialysis proposal. We will begin as the Ballot Board
10 must examine this citizen-initiated constitutional
11 amendment regarding kidney dialysis to determine if
12 it contains only one proposed constitutional
13 amendment.

14 If the Ballot Board determines that the
15 proposal contains more than one proposed amendment,
16 it must be divided -- it must divide the proposal
17 into separate amendments and certify each one back to
18 the Attorney General. Petitioners would then need to
19 submit to the Attorney General summaries of each
20 separate ballot initiative proposal.

21 Should the Attorney General find those
22 new -- newly submitted summaries to be fair and
23 truthful, the petitioners would need to collect the
24 signatures for each petition individually in the
25 amount equal to 10 percent of the total vote cast for

1 governor in 2014.

2 The text and summary of the proposed
3 amendment was provided to the Ballot Board members in
4 advance of the meeting, and copies are also in your
5 folders. Extra copies are available at the front
6 table.

7 If anyone wishes to address the Ballot
8 Board about whether or not this is a single issue,
9 please sign in. When you are called to speak, please
10 identify yourself and the organization you represent.
11 I will remind we are not here to debate the merits of
12 the proposals, only to determine if it is one
13 amendment to the Constitution.

14 At this time we have one individual
15 signed up to address this, and it's Mr. Don McTigue.

16 MR. McTIGUE: Good morning,
17 Mr. Secretary, members of the Ohio Ballot Board. I'm
18 Don McTigue, and I represent the petition --
19 petitioners here, Mary Jo Ivan, Samara Knight, and
20 Anthony Caldwell.

21 Mr. Chairman, with your permission I
22 would like to give the Secretary a memo that we've
23 prepared on the same subject issue --

24 SECRETARY HUSTED: Sure.

25 MR. McTIGUE: -- with copies to

1 distribute.

2 The memo is something you've seen before
3 on previous times that I've been here. I don't
4 really have a presentation to give. I don't think
5 it's necessary here, but I would be available to
6 answer questions. This proposal -- proposed
7 amendment pretty clearly represents a single subject
8 under -- as defined by the Supreme Court in that it's
9 general object is to provide safe, affordable, and
10 high quality treatment for kidney dialysis patients.

11 So with that I would be happy to answer
12 any questions.

13 SECRETARY HUSTED: I don't see any
14 questions. If we have an issue, then we'll ask you
15 to come back and -- and address it, okay?

16 MR. McTIGUE: Okay. Thank you.

17 SECRETARY HUSTED: Is there any
18 discussion from the Board members?

19 Okay. Is there a motion?

20 SENATOR SKINDELL: Mr. Chair.

21 SECRETARY HUSTED: Senator Skindell.

22 SENATOR SKINDELL: Thank you. Thank you,
23 Mr. Chair. I move that we accept the proposed
24 constitutional amendment regarding the kidney
25 dialysis patient protection as it contains only one

1 proposed amendment.

2 SECRETARY HUSTED: We have a motion that
3 it is a single issue. Is there a second?

4 SENATOR LaROSE: Second.

5 SECRETARY HUSTED: Seconded by Senator
6 LaRose. Is there any discussion?

7 Then, Secretary, would you please call
8 the roll.

9 MS. KURUC: Secretary Husted.

10 SECRETARY HUSTED: Yes.

11 MS. KURUC: Mr. Morgan.

12 MR. MORGAN: Yes.

13 MS. KURUC: Senator LaRose.

14 SENATOR LaROSE: Yes.

15 MS. KURUC: Representative Clyde.

16 REPRESENTATIVE CLYDE: Yes.

17 MS. KURUC: Senator Skindell.

18 SENATOR SKINDELL: Yes.

19 SECRETARY HUSTED: All right. The vote
20 is unanimous, and the motion carries.

21 We can move now to congressional
22 redistricting, and I'm going to ask the Secretary of
23 the Board to discuss the Board's role today with
24 regard to the congressional redistricting
25 constitutional amendment proposed by the General

1 Assembly.

2 So, Madam Secretary, would you please
3 proceed.

4 MS. KURUC: There are three tasks that
5 the Ballot Board must complete related to the
6 proposed constitutional amendment to appear on the
7 May 8, 2018, primary election ballot.

8 First, it must direct the means by which
9 the Secretary of State shall disseminate information
10 concerning the proposed constitutional amendment to
11 the voters as required by Revised Code 3505.062(F).

12 Second, it must direct the Secretary of
13 State to contract for the publication in a newspaper
14 of general circulation and each county in the State
15 the ballot language, explanation, and arguments
16 regarding the proposed constitutional amendment as
17 required by Revised Code Section 3505.062(G).

18 And, last, it must certify that ballot
19 language, explanation, and an argument against the
20 statewide issue.

21 SECRETARY HUSTED: Okay. Ohio Revised
22 Code Section 3505.062(F) requires this Board to
23 direct the means by which the Secretary of State
24 disseminates information concerning proposed state
25 issues to the voters. I propose that this Board

1 authorize my office to provide a sufficient number of
2 paper copies of the information regarding the 2018
3 state issue to the boards of elections, members of
4 the state legislature, public agencies, and other
5 interested persons.

6 Additionally, this information will be
7 published on the Secretary of State's website for
8 easy internet access.

9 Is there a motion to disseminate the
10 information as explained?

11 SENATOR LaROSE: So moved.

12 SECRETARY HUSTED: Senator LaRose made
13 the motion.

14 SENATOR SKINDELL: Second.

15 SECRETARY HUSTED: And it's seconded by
16 Senator Skindell. Is there any discussion?

17 Okay. Secretary, would you please call
18 the roll.

19 MS. KURUC: Secretary Husted.

20 SECRETARY HUSTED: Yes.

21 MS. KURUC: Mr. Morgan.

22 MR. MORGAN: Yes.

23 MS. KURUC: Senator LaRose.

24 SENATOR LaROSE: Yes.

25 MS. KURUC: Representative Clyde.

1 REPRESENTATIVE CLYDE: Yes.

2 MS. KURUC: Senator Skindell.

3 SENATOR SKINDELL: Yes.

4 SECRETARY HUSTED: Great. It's -- the
5 motion carries.

6 Let's move on to advertising. Now, I ask
7 the Secretary to explain the advertising process for
8 the state -- for statewide ballot issues.

9 MS. KURUC: Revised Code 3501.17(G) (1)
10 requires the State to bear the entire cost of
11 advertising statewide ballot issues in newspapers and
12 to reimburse the Secretary of State out of the
13 statewide ballot advertising fund for all expenses
14 the Secretary of State incurs for that advertising.

15 The Secretary of State may request such
16 funds from the Statewide Ballot Advertising Fund
17 either before or after placing the advertisements.
18 The Ohio Constitution requires that the ballot
19 language, explanation, arguments for and against, and
20 the full text of State issues be published once a
21 week for three consecutive weeks before the election.

22 Revised Code Section 3505.062(G) requires
23 the Ohio Ballot Board to direct the Secretary of
24 State to contract for that advertising.

25 SECRETARY HUSTED: Okay. Thank you.

1 Accordingly, I propose that the Ballot
 2 Board authorize my office to contract for the
 3 required advertising of the statewide issue that will
 4 appear on the May 8, 2018, ballot and authorize me to
 5 request the Controlling Board to transfer sufficient
 6 funds for this purpose. Is there a motion?

7 SENATOR SKINDELL: Mr. Chair.

8 SECRETARY HUSTED: Senator Skindell.

9 SENATOR SKINDELL: I move that it is so
 10 authorized.

11 SECRETARY HUSTED: Is there a second?

12 SENATOR LaROSE: Second.

13 SECRETARY HUSTED: And Senator LaRose
 14 seconds. Is there any discussion?

15 All right. Secretary, would you please
 16 call the roll.

17 MS. KURUC: Secretary Husted.

18 SECRETARY HUSTED: Yes.

19 MS. KURUC: Mr. Morgan.

20 MR. MORGAN: Yes.

21 MS. KURUC: Senator LaRose.

22 SENATOR LaROSE: Yes.

23 MS. KURUC: Representative Clyde.

24 REPRESENTATIVE CLYDE: Yes.

25 MS. KURUC: Senator Skindell.

1 SENATOR SKINDELL: Yes.

2 SECRETARY HUSTED: Okay. The motion
3 carries.

4 Now, we move to the certification of the
5 language for Issue 1 congressional redistricting. I
6 ask that the Secretary of the Board now discuss the
7 Board's role today regarding ballot language, its
8 explanation, and the arguments.

9 MS. KURUC: The Ohio Constitution and the
10 Ohio Revised Code require the Ballot Board to draft
11 ballot language and an explanation for the
12 constitutional amendment proposed by the General
13 Assembly. The General Assembly may name persons to
14 prepare the arguments for and against the proposed
15 constitutional amendment. In this case the General
16 Assembly appointed Senators Huffman and Sykes and
17 Representative Schuring and Cera to draft the
18 argument for the proposed amendment, and it was
19 timely filed with our office.

20 There was no appointment of persons to
21 draft the arguments against the proposed amendment so
22 the Ohio Ballot Board will certify today an argument
23 against the proposed amendment. There are copies of
24 drafts for each of these documents in the members'
25 folders and extra copies at the front table.

1 SECRETARY HUSTED: And there will be
2 new -- there will be an edited version of the
3 argument against that will be disseminated to the
4 members momentarily. Just a couple word changes.

5 Okay. A new version of the edited
6 language, Senator Skindell, that you proposed is also
7 going to be disseminated at this time.

8 Does everybody have copies, had time to
9 review them?

10 Okay. The first item we will address is
11 the ballot language. Without objection we will
12 proceed with the public comment on the draft ballot
13 language. Okay. Does anyone wish to offer comments
14 on the ballot language?

15 Okay. Any discussion from the Board
16 members on the ballot language?

17 REPRESENTATIVE CLYDE: Mr. Chair.

18 SECRETARY HUSTED: Representative Clyde.

19 REPRESENTATIVE CLYDE: Thank you,
20 Mr. Chair. I appreciate the process on coming to
21 this ballot language. We were included, and I do
22 believe that this is a fair and accurate summary. I
23 know that that is our role here today. But this
24 still feels like a momentous moment and I think that,
25 you know, this -- this language is clear and we

1 support it as -- as drafted.

2 SECRETARY HUSTED: Okay. Any additional
3 comments?

4 I concur. Thank you.

5 We -- is there a motion to -- actually I
6 will move that we approve the Ballot Board language
7 for congressional redistricting. Is there a second?

8 SENATOR LaROSE: Second.

9 REPRESENTATIVE CLYDE: Second.

10 SECRETARY HUSTED: We have a couple
11 seconds. We'll have a second from Senator LaRose and
12 a second from Representative Clyde. It's been moved
13 and seconded. Is there any further discussion?

14 Okay. Secretary, would you please call
15 the roll.

16 MS. KURUC: Secretary Husted.

17 SECRETARY HUSTED: Yes.

18 MS. KURUC: Mr. Morgan.

19 MR. MORGAN: Yes.

20 MS. KURUC: Senator LaRose.

21 SENATOR LaROSE: Yes.

22 MS. KURUC: Representative Clyde.

23 REPRESENTATIVE CLYDE: Yes.

24 MS. KURUC: Senator Skindell.

25 SENATOR SKINDELL: Yes.

1 SECRETARY HUSTED: The motion carries by
2 a unanimous vote.

3 Explanation. Now, we will consider the
4 explanation of the ballot issue. Is there any public
5 comment on the draft explanation?

6 All right. Is there a -- any discussion
7 from the members?

8 Okay. Then I move that the -- that the
9 explanation for Issue 1 congressional districting be
10 adopted. Is there a second?

11 MR. MORGAN: Second.

12 SECRETARY HUSTED: Seconded by
13 Mr. Morgan. It's been moved and seconded. Is there
14 any further discussion?

15 Okay. Secretary, would you please call
16 the roll.

17 MS. KURUC: Secretary Husted.

18 SECRETARY HUSTED: Yes.

19 MS. KURUC: Mr. Morgan.

20 MR. MORGAN: Yes.

21 MS. KURUC: Senator LaRose.

22 SENATOR LaROSE: Yes.

23 MS. KURUC: Representative Clyde.

24 REPRESENTATIVE CLYDE: Yes.

25 MS. KURUC: Senator Skindell.

1 SENATOR SKINDELL: Yes.

2 SECRETARY HUSTED: Great. We have
3 another unanimous vote -- vote, and the motion
4 carries.

5 Argument against. Last, we will consider
6 the argument against the proposal. Is there any
7 public comment on the draft argument against?

8 Okay. Hearing none, is there any
9 discussion from the members?

10 All right. Do I have a motion?

11 SENATOR SKINDELL: Move that we approve
12 the argument against.

13 SECRETARY HUSTED: Okay. A motion to
14 approve from Senator Skindell. Do we have a second?

15 SENATOR LaROSE: Second.

16 SECRETARY HUSTED: Seconded by Senator
17 LaRose -- Senator LaRose. We have a motion and a
18 second. Is there any further discussion?

19 Hearing none, Secretary, would you please
20 call the roll.

21 MS. KURUC: Secretary Husted.

22 SECRETARY HUSTED: Yes.

23 MS. KURUC: Mr. Morgan.

24 MR. MORGAN: Yes.

25 MS. KURUC: Senator LaRose.

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SENATOR LaROSE: Yes.

MS. KURUC: Representative Clyde.

REPRESENTATIVE CLYDE: Yes.

MS. KURUC: Senator Skindell.

SENATOR SKINDELL: Yes.

SECRETARY HUSTED: A unanimous vote and
the motion carries.

Is there any other business to be
conducted at this time?

Okay. Hearing none, I would like to
congratulate the members of the General Assembly for
bringing this -- bringing this to us today and look
forward to seeing it on the ballot in May.

Hearing no further discussion, we stand
adjourned.

(Thereupon, at 10:27 a.m., the meeting
was concluded.)

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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 Tuesday, February 20, 2018, and carefully compared with my original stenographic notes.

Karen Sue Gibson

Karen Sue Gibson, Registered Merit Reporter.

(KSG-6499)

