

ISSUE 1

PROPOSED CONSTITUTIONAL AMENDMENT

1 (Proposed by Resolution of the General Assembly of Ohio)
To amend Section 11 of Article III of the Constitution of the State of Ohio.

TO LIMIT THE GOVERNOR'S AUTHORITY TO REDUCE CRIMINAL SENTENCES BY REQUIRING THE GOVERNOR TO FOLLOW REGULATIONS PRESCRIBED BY LAW WHEN GRANTING COMMUTATION TO A PERSON CONVICTED OF A CRIME.

IF ADOPTED, THIS AMENDMENT SHALL TAKE EFFECT ON JANUARY 1, 1996.

A majority yes vote is necessary for passage.

<input type="checkbox"/>	YES	SHALL THE PROPOSED AMENDMENT BE ADOPTED?
<input type="checkbox"/>	NO	

EXPLANATION FOR STATE ISSUE 1
(as prepared by the Ohio Ballot Board)

Section 11 of Article III of the Ohio Constitution currently gives the Governor power to grant commutations (reductions) of criminal sentences or to grant pardons to persons convicted of crimes. While the Governor's power to pardon is limited by regulations prescribed by the General Assembly regarding the manner of applying for a pardon, the commutation power is not subject to such regulations. This amendment would subject the Governor's commutation power to regulations prescribed by the General Assembly as to the manner of applying for a commutation.

ARGUMENT FOR STATE ISSUE 1

Are you aware that the Governor of Ohio currently has the power to grant commutations (reductions of sentence) to prison inmates, including convicted murderers facing the death penalty, virtually at will?

Does it surprise you that the Governor is not even required to follow the release recommendations of the Ohio Adult Parole Authority before reducing the sentence of a convicted criminal?

If these facts anger or shock you, then your vote should be "YES" on State Issue I.

A "YES" vote on State Issue I will ensure that the Governor follows certain regulations when commuting a criminal sentence, and does not grant a commutation to a convicted criminal solely at his or her uninformed discretion.

State Issue I will simply require the Governor to consult and follow the release recommendations of the Ohio Adult Parole Authority when reducing a criminal's sentence, just as when the Governor grants a pardon. The Governor will still retain the ability to grant an unconditional reprieve to delay the execution of a criminal sentence for a short period of time.

The passage of Issue I will preclude hasty, "last minute" sentence reductions and will ensure that any decisions to commute a criminal's sentence are well-informed and not politically motivated actions carried out near the end of the Governor's term in office.

If you believe that faith in Ohio's criminal justice system needs to be restored, and agree that nobody, not even the Governor of Ohio, should have the unregulated ability to reduce a criminal's sentence at will, then your vote on State Issue I should be "YES."

COMMITTEE TO PREPARE ARGUMENT FOR ISSUE 1

Senator Bruce Johnson

Senator Gary Suhadolnik

Senator Ben Espy

Senator Robert Burch

Representative Ed Kasputis

Representative John Garcia

Representative June Lucas

ARGUMENT AGAINST STATE ISSUE 1

The Governor should have the right to reduce a prisoner's sentence when appropriate facts come to light.

The Governor must retain the power to commute sentences to promote justice in rare cases.

A "No" vote means the Governor can correct sentences and act to prevent a miscarriage of justice in proper cases. Unfortunately, sometimes all of the relevant evidence is not available while the case is pending. Our criminal justice system is good, but not perfect. We do make mistakes. These mistakes are not always readily visible. While the commutation of a sentence rarely occurs, the option of this remedy is still necessary.

Issue One is a proposed amendment to the Ohio Constitution that would permit the state legislature to draw up new rules about the Governor's power to commute criminal sentences.

The framers of the state constitution in their wisdom decided that it was preferable to grant the state's chief executive unfettered power to issue commutations. The Supreme Court of Ohio decided that the present version of Section 11 of Article III of the Ohio Constitution means that the state legislature can draw up regulations about the Governor's power to pardon, but not the Governor's power to grant commutations and to issue reprieves.

We agree. There is no good reason to alter this constitutional principle.

COMMITTEE TO PREPARE ARGUMENT AGAINST ISSUE 1

Representative Betty Sutton

Representative David Hartley