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TO: House Government Accountability and Oversight Committee

FROM: Mike Brickner, Ohio State Director, All Voting is Local

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RE: House Joint Resolution 19

To Chairman Blessing, Vice Chair Reineke, Ranking Member Clyde, and members of the House Government Accountability and Oversight Committee, my name is Mike Brickner, Ohio State Director for All Voting is Local, and I submit to you opponent testimony on House Joint Resolution 19.

All Voting is Local launched in 2018 as a collaborative effort housed at The Leadership Conference Education Fund, within its project, Access Democracy, in conjunction with the American Civil Liberties Union Foundation; the American Constitution Society; the Campaign Legal Center; and the Lawyers' Committee for Civil Rights Under Law. In Ohio, our campaign has worked on several key initiatives, including coordinating nonpartisan Election Protection for voters; providing public education on the right to vote to Ohioans with disabilities; and recruiting poll workers to ensure elections run smoothly.

HJR 19 presents a direct threat to Ohio citizens' ability to take action and address issues that impact their communities. The proposed changes would make the ballot initiative process so onerous that it would be nearly impossible for grassroots groups to succeed.

The Ohio Constitution already has strong protections to ensure that constitutional amendments do not happen without careful consideration. Strict requirements on signature collection mandates groups assemble signatures totaling 10 percent of the total votes cast in the most recent gubernatorial election, and signatures must be gathered in 44 of 88 counties totaling 5 percent of the gubernatorial vote in each. Since Ohioans received the right to direct constitutional initiatives in 1912, only 71 have made it to the ballot. Of this number, only 19 of them passed, demonstrating that Ohioans are very conservative and thoughtful about whether they amend the state constitution.

Grassroots advocates must already collect hundreds of thousands of signatures across the state in order to get on the ballot, but HJR 19 will make it even more difficult. Signatures would only be valid for six months, and they would be due in early April, meaning grassroots advocates may have to gather signatures during the coldest months with the most treacherous weather.

Ironically, those who are more likely to overcome HJR 19's onerous requirements are the monied interests that proponents claim they target. Large organizations can spend significant resources on paid signature collection to meet whatever requirements the legislature puts in place.

Additionally, HJR 19's requirement that constitutional ballot initiatives receive at least 60 percent support to prevail is out of step with the rest of the nation. According to a 2014 memo on ballot initiatives by the Ohio Constitutional Modernization Commission (OCMC), only Florida and Nevada do not require a simple majority for an initiative to pass.

HJR 19 also amends the process for initiated statutes. Proponents of HJR 19 may intend these changes to encourage citizens to utilize initiated statute rather than constitutional amendments, but they fall far short. One welcome change is elimination of the second phase of signature collection, which was confusing and onerous for many groups. However, its benefit is negated by the increased percentage of initial signatures that advocates must assemble, from 3 percent to 5 percent of the votes cast in the most recent gubernatorial election.

Additionally, HJR 19's meager one-year moratorium on legislators amending a successful initiated statute falls far short of the OCMC's recommended 5 years. Given that the potential benefits and consequences of a law take many years to fully assess, this is simply inadequate.

Direct democracy is a vital tool for citizens of Ohio who are concerned about issues in their communities. Ohioans have historically remained discerning about whether they will amend the constitution, meaning HJR 19 is a solution in search of a problem. Rather than seeking to block constituents from accessing the ballot, I encourage the legislature to address the very issues that concerned Ohioans seek to address at the ballot.