



State Representative Brian Stewart
Joint-Sponsor Testimony on House Bill 149
March 4th, 2021

Chairman Wilkins, Vice Chair White, Ranking Member Sweeney, thank-for for the opportunity to testify today about House Bill 149, which would add party affiliation on the general election ballot for judicial candidates for Ohio’s Courts of Appeal and the Ohio Supreme Court.

Under current law, these candidates already run in partisan primaries, they already seek partisan endorsements, and political parties already spend millions of dollars each election cycle to distribute partisan slate cards to advertise these candidates’ party affiliations. News media coverage of these judicial campaigns routinely identifies the candidates as “Republicans” or “Democrats,” and that practice extends to the news coverage of virtually every decision issued by these judges.

Only on the general election ballot does Ohio law ignore these obvious realities by refusing to provide voters with this important information about judicial candidates that voters repeatedly tell us they want.

In 2014, the Ray C. Bliss Institute of Applied Politics at the University of Akron completed an Ohio Judicial Elections Survey which found that:

“One-half of the respondents say they vote less frequently for judges compared to other offices. A major cause of this pattern is a lack of information about judicial candidates and the court system in general.”

The study also noted that 3/5 of registered voters say that the most common reason they do not vote for judges is a lack of knowledge about the candidate, and that a party label would be “very or somewhat helpful” to 65% of voters.

The lack of this information on Ohio’s general election ballot is a disservice to voters that is borne out in our election results. In 2020 alone, 5.9 million ballots were cast in Ohio overall, but more than 1.1 million of those voters declined to vote for one Ohio Supreme Court seat, and 1 million voters declined to vote for the other. That amounts to an undervote of 18% and 16%, in each race, respectively. The results in our Ohio Court of Appeals districts are even more striking. In a contested general election in 2020 for the Fourth District Court of Appeals where I frequently practice as an attorney, a full 24% of voters left their ballot blank. In a contested general election in 2020 for Fifth District Ohio Court of Appeals, which also includes counties in my House district, 26% of voters left their ballot blank.

Finally, while we are debating the addition of party affiliation to the ballot, we do not believe this issue should be overly partisan. As recently as last year, a version of this bill which went even further, by adding party affiliation for all judges, had a Democratic joint sponsor and a Democratic co-sponsor. Our bill does nothing to favor one party or another; rather, it simply allows the parties to compete, on an equal playing

field, by identifying candidates on the ballot in the same way they are already being identified in their campaign literature.

We respectfully ask for the Committee's favorable consideration of House Bill 149, and following remarks from Joint Sponsor Representative Swearingen, I will join him in being happy to answer any questions you may have.