



Senator Theresa Gavarone and Senator Jerry Cirino

2nd and 18th Ohio Senate Districts
Sponsor Testimony for Senate Bill 80
House Government Oversight Committee
June 17, 2021

Chairman Wilkin, Vice-Chair White, Ranking Member Sweeney, and members of the House Government Oversight Committee, thank you for allowing us to offer testimony for Senate Bill 80, legislation that would provide additional transparency for Ohioans by requiring certain judicial candidates to have their partisan affiliation listed on the general election ballot.

As you may know, Ohio is the **ONLY** state in the country that has partisan primary elections for judicial races, but “non-partisan” general elections. Ohio’s flawed process for selecting judicial candidates was described by former Ohio State University Moritz College of Law Professor and current Dean of the University of Wisconsin Law School Daniel Tokaji as “the absolute worst one of all”.¹

By allowing the current process to continue for judicial races, particularly those for the Supreme Court, we are at worst deliberately keeping up with the ruse that these elections are not partisan and at best pretending our constituents do not care about the partisan affiliation of the judges on their ballot.

To be clear, these judicial races are partisan— in reality because in order to get to the general election a candidate must win a partisan primary and in perception because, right or wrong, both the state and local Republican and Democrat parties endorse candidates in judicial races and spend a lot of time and resources to get their preferred candidates elected.

The major reason we introduced this legislation is because we want voters to have as much information as reasonably possible before they cast their ballot. Right now judicial races are shrouded in mystery to many voters because they see party affiliation listed for nearly every other race on their ballot, but not for judges. We are sure everyone on this committee has been asked at one time or another by a voter who the Republican is and who the Democrat is for a particular judicial race. Why should voters have to ask around for that information instead of having it readily available on their ballot?

¹ Ohio’s Judicial Races are Non-Partisan In Name Only, Expert Says- <https://www.dispatch.com/news/20171020/ohios-judicial-races-are-nonpartisan-in-name-only-expert-says>

And the numbers back up the notion that voters are not voting in judicial elections the same way that they do for partisan elections, including our own General Assembly races. A little analysis of Ohio's 2020 official voting results on the Secretary of State website showed that more than ONE MILLION electors who voted in a Presidential, Congressional, General Assembly or County race last year did not vote in either or both of the Supreme Court races.

Some may be comfortable with that, but we are deeply troubled with those numbers.

We would like to note for the committee that this is a bipartisan issue. So much so that just last year a Republican and a Democrat in the House joint sponsored similar legislation to eliminate the ruse that judicial races are non-partisan. In fact, the bill received support from Republicans, Democrats and Independents throughout the legislative process on this bill and the companion one sponsored by Representatives Swearingen and Stewart.

Quite simply, we believe voters deserve transparency in judicial elections. And based on the overwhelming support for the legislation in the Senate and the companion version in this committee, we know it is important to many of you, too. Quite simply, a 'yes' vote for Senate Bill 80 is a vote for transparency and giving your constituents what they are asking for. A 'no' vote is a vote to keep judicial elections shrouded in mystery and deny your constituents what they are asking for. The choice is quite clear.

Chairman Wilkin and members of the Government Oversight Committee, we are thankful to see this bill move through the process and sincerely appreciate the opportunity to provide you testimony on Senate Bill 80. Please do not hesitate to contact us if we can answer any questions.