



**Testimony by Mia Lewis, Common Cause Ohio
On Senate Bill 80
Before the Ohio House Government Oversight Committee
June 17, 2021**

Chair Wilkin, Vice Chair White, Ranking Member Sweeney, and members of the Ohio House Government Oversight Committee.

Thank you for the opportunity to provide opponent testimony to Senate Bill 80. My name is Mia Lewis and I am here on behalf of Common Cause Ohio, a good government group with 30,000 members.

There is a lively and legitimate debate over whether voters should be told a judicial candidate's party affiliation. Some people think party labels should **never** appear on the ballot in judicial races (*"We need to remove partisanship from the courts, not add more!"*). Others believe the candidate's party should **always** be shared (*"Voters need whatever information about judicial candidates they can get!"*).

It's easy to imagine lawmakers on either side of this debate proposing legislation to take away or add political party labels in judicial races so that Ohio's primary and general election systems match up. What is strange and unnerving is Senate Bill 80 -- **a bill that falls on both sides of the question**. What SB 80 and its companion HB 149 propose is BOTH that voters get more information (in some races), and remain in the dark (in others).

The push to include partisan labels in some judicial races -- but not all -- is a real head-scratcher -- at least until you realize that these labels, selectively applied (for only Ohio's appellate courts and the Ohio Supreme Court) can be used to boost the candidates of one party over another.

There is simply no other plausible explanation for this legislation. In addition to Common Cause Ohio, SB80 is opposed by the Chief Justice of the Supreme Court of Ohio, the Ohio Judicial Conference, the Ohio Fair Courts Alliance, the Ohio Voter Rights Coalition, the League of Women Voters of Ohio, and more. If the overwhelming majority of Ohio's judges oppose the contortions of SB80/HB149, how can any lawmaker support them in good faith?

Here is testimony from Paul Pfeifer, Executive Director of the Ohio Judicial Conference, and former Ohio Supreme Court Justice (March 23 testimony before Ohio Senate Local Govt and Elections Committee)

“The integrity of any judicial system demands impartiality. Partisan elections can imply that judges are beholden to the interests of their party, and not to the law.

We believe that S.B. 80 would not only go against the very Canons of Judicial Conduct that exist for the purpose of ensuring a fair and impartial judiciary, but would also erode public confidence in our judicial system.”

Other judges have spoken in opposition to SB80/HB149. In testimony opposing Senate Bill 80, Cynthia Westcott Rice, Chief Judge of the Ohio Court of Appeals Judges’ Association, shared some of the responses when judges were polled on what position the association should take regarding the bill. All were unanimously opposed. Here is a sample:

“Without going into a rant, I strongly oppose the further politicizing of our profession.”

“This is politics at its finest and wrong on so many levels to only single out OSC and COA races.”

“What a shame this is even being considered.”

“...there is no intellectually-honest reason for distinguishing between appellate/supreme court and the trial court judges.”

Again, some believe partisan labels and judicial candidates are two things that should never mix. Others feel that voters deserve to be given this critical piece of relevant information. Whichever side of this debate you fall on, there are good arguments to be made. We welcome this debate. What we do not welcome is to have this important discussion circumvented by a cynical and nonsensical combination that serves no purpose other than to seek partisan advantage.

We at Common Cause Ohio sincerely hope you will tell Ohio’s judges and set this harmful legislation aside.

Thank you again for the opportunity to testify. I will now take any questions.