



State Representative Brian Stewart

Sponsor Testimony House Joint Resolution 6

December 1st, 2022

Chairman Wilkin, Vice-Chair Swearingen, Ranking Member Brown, thank-you for the opportunity to provide sponsor testimony in favor of House Joint Resolution 6, which would place on the ballot a proposed amendment to Article II of the Ohio Constitution to require a vote of at least 60% of the electors to approve a constitutional amendment.

For far too long, Ohio's Constitution has been far too susceptible to efforts by outside groups and special interests seeking to alter the People's Constitution to achieve their own ends. We have repeatedly watched as special interests buy their way onto the statewide ballot, and then spend millions of dollars drowning the airwaves seeking to secure permanent, fundamental changes to our state by a vote margin of 50% plus one vote.

America's Founders ensured that the United States Constitution would be protected against such outside influence and monied interests by requiring a supermajority vote for amendments – a 2/3 vote of both chambers of Congress and a vote of 3/4 of state legislatures. We believe it is time to protect the Ohio Constitution in a similar way. This sort of amendment has been discussed by the former Ohio Constitutional Modernization Commission, by current and former legislative

leaders, in the pages of Ohio's newspapers, and many public forums in between. The Ohio Constitution Protection Amendment is not a new idea – but it is an idea whose time has come.

It should be noted that Ohio is already among the minority of states that even permit constitutional amendments by initiative petition *at all*. 32 states do not permit *any* constitutional amendments to be proposed by outside groups. Moreover, of the 18 states which do allow constitutional amendments by initiative petition, 9 of those states – red and blue – have added some form of supermajority requirement for them to be adopted, including Florida, Illinois, Massachusetts, Mississippi, Nebraska, Nevada, Oregon, Washington, and Wyoming. Florida, as one example, requires a 60% vote for adoption, just as we are proposing here. Colorado requires a 55% vote to approve constitutional amendments, while New Hampshire requires a 66% vote to amend its constitution.

Nonetheless, HJR6 would preserve the ability of any group to propose amendments to the Constitution, and also makes no changes whatsoever to the ballot access process. HJR6 does nothing to make it more difficult to propose a constitutional amendment. Rather, HJR6 would simply require that proposals to make permanent changes to Ohio's governing document, must achieve a broader consensus among the electorate than the barest majority of 50% plus 1 vote. If unelected special interest groups believe their idea is worthy of permanent inclusion in Ohio's Constitution, then that idea should be able to muster 60% of the vote.

It may be a lot to ask in politically-charged times, but I hope that members will view this proposal through a lens that is further than a few inches in front our faces. Reading the news coverage and hyperventilating press releases of the last 2 weeks, one might be misled into believing that this proposal will somehow only apply to a handful of amendments favored by liberal groups in the year 2023. Nothing could be further from the truth. HJR6, if adopted, will apply to all

proposed constitutional amendments. It will apply to proposed amendments that Democrats like, and it will also apply to proposed amendments that Democrats do not like. It will apply to proposed amendments that Republicans do not like, and it will also apply to proposed amendments that Republicans do like.

The standard that should apply to permanent amendments to Ohio's Constitution is a question that should be considered on its own merits, looking ahead decades, not just a few months. Curtailing the ability of special interests to buy amendments to benefit themselves first, and the public a distant second, is something both parties should support.

Chairman Wilkin, Vice-Chair Swearingen, Ranking Member Brown, thank you again for the opportunity to present House Joint Resolution 6. Thank you for recognizing the importance of this legislation, and I would be happy to attempt to answer any questions the committee may have.