



Ohio

4506 Chester Avenue  
Cleveland, OH 44103  
P: (614) 586-1959  
F: (216) 472-2210

1108 City Park Avenue  
Suite 203  
Columbus, OH 43206  
P: (614) 586-1959  
F: (614) 586-1974

[acluohio.org](http://acluohio.org)  
[contact@acluohio.org](mailto:contact@acluohio.org)

Dr. Ebony Speakes-Hall, LISW-S  
*President*

J. Bennett Guess  
*Executive Director*

TO: House Government Oversight Committee  
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio  
DATE: December 7, 2022  
RE: House Joint Resolution 6 – Opponent testimony

To Chairman Wilkin, Vice Chair White, Ranking Member Brown, and members of the House Government Oversight Committee, thank you for this opportunity to provide the following opponent testimony on House Joint Resolution 6.

As you know, HJR 6 seeks to change the Ohio Constitution so future ballot initiatives, both citizen-led and now those led by the General Assembly, require at least 60% approval of voters for passage. Such a change is unnecessary except to those who fear Ohioans deciding for themselves the future direction of our state.

Secretary of State LaRose is responsible for proposing this effort to significantly reduce direct democracy and cites nine other states – Florida, Illinois, Massachusetts, Mississippi, Nebraska, Nevada, Oregon, Washington, and Wyoming - to bolster this bad idea, claiming those states have “a very similar supermajority requirement for their constitutional amendments.”

Except they do not. Only a single state - Florida – requires the 60% threshold for citizen-led ballot initiatives proposed via HJR 6. Colorado, not previously cited by Sec. LaRose but cited during HJR 6 sponsor testimony, requires a 55% threshold. In addition, New Hampshire was also referred to during HJR 6 sponsor testimony for having a 2/3 threshold for passage, although not mentioned was that is only for legislature-led initiatives.

Citing multiple other states that do not require what HJR 6 does masks what an extreme outlier Ohio would be with passage of HJR 6. This pattern follows the same one often seen when legislation to change Ohio’s voting laws is proposed. Namely, to become aware of or seek out states with worse voting laws than Ohio’s then argue Ohio’s should be equally bad, if not worse, than those other states.

I note this almost always goes one direction. Certainly, other states have laws more generous than Ohio when it comes to citizen-led ballot initiatives, including requirements for the percentage of signatures required to place an issue on the ballot, from what elections those percentages are linked to, to whether or not those signatures must come from a certain number of counties or similar requirements, among other considerations.

Many other states, including those used to support HJR 6, also have much more inclusive laws when it comes to such things as automatic voter registration, same day voter registration, absentee ballot drop boxes, removing people from registered voter rolls, and much more. As we continually import regressive ideas from other states, let us remember there are plenty of good ones worth adopting here.

Supporters of HJR 6 believe Ohio's current 50%+1 threshold for voter approval of ballot initiatives is causing such a crisis it must be addressed immediately, during this rushed and chaotic "lame duck" period of the legislative session. Yet, when asked what past initiatives compel them to advocate for immediate action to weaken Ohio's process, they struggle to come up with any examples.

Indeed, everyone involved knows HJR 6 is not about past ballot initiatives, it is about future ones. Those pushing HJR 6 are certainly aware of ongoing discussions about ballot efforts regarding, in particular, legislative redistricting and abortion. HJR 6 is not about the sanctity of the Ohio Constitution. It is not about abuse of the initiative process. It is not about good policy. It is about kneecapping the ability of Ohioans in heavily and illegally gerrymandered legislative districts to chart the future of their state when, in many cases, the General Assembly is unresponsive or opposed to such change. To pretend otherwise is to ignore what everyone knows to be true.

Finally, as has been previously observed, HJR 6 requires this 60% approval threshold for future initiatives but not passage of HJR 6 itself. Certainly, a resolution of this type could have been drafted, and could still be amended, to include such a standard. After all, if it is such a wonderful idea, what better time to require it than the present.

Members of this committee, the ACLU of Ohio asks you to reject House Joint Resolution 6 for these reasons and more. HJR 6 is unnecessary, undemocratic, and unwelcome.