

TESTIMONY OPPOSING HJR 6  
House Government Oversight Committee  
Opposition testimony of Andrea R. Yagoda, Private Citizen

Chair Wilken, Vice Chair White, Ranking Member Brown and Members of the Committee thank you for affording me the opportunity to testify against HJR 6. My name is Andrea R. Yagoda. I have been a resident of Ohio since 1974 and am a retired attorney. This Resolution is just another power grab pretending to be a solution to a problem. A problem that just does not exist.

A review of the Ohio Constitution reveals that very few changes have been made to the Ohio Constitution in the last ten (10) years and in the years before that most of the changes were initiated by the Ohio Legislature.

In 2018 Victim Rights were included in Article I Sect. 10a by initiative. Has the sponsor of this resolution or Frank LaRose disclosed who the alleged “special interest group” behind the initiative was?

In 2011 “Preservation of Freedom to Choose HealthCare and Coverage” was added to Article I Sect. 21 via initiative. Remaining amendments in that time period were a result of the Ohio Legislature actions. Has the sponsor of this resolution or Frank LaRose revealed who the “special interest group” behind this initiative was?

Even if we look beyond the ten (10) year mark. Little changes were made to the Ohio Constitution by citizen led initiatives. In 2009 The Lotteries, Charitable Bingo and Casinos amendment was added Article XV section 06. These amendments were a combination of Initiative and legislative action. Who was the “special interest group” here? Also let me say, obviously the Ohio

legislature thinks gambling is good for Ohio since we not only have the lottery but this body just gave us sports betting as well. Just wondering what “special interest group” was behind the push for sports betting?

In 2004 Article XV Section 11 declaring Marriage between a man and woman was added by initiative. Have the sponsor or Frank LaRose disclosed the special interest group involved in this initiative? Or are religious groups excluded from this category?

The argument that “special interests” groups are out there amending the Ohio Constitution is just plain untrue and a tactic to scare the public “Special interest group” is generally defined as “a body of persons, corporation, or industry that seeks or receives benefits or privileged treatment, especially through legislation.” You know which groups this sounds like? Buckeye Firearms, NRA, ALEC and First Energy. Entities this legislative body caters to. Ohioans seeking to give rights to victims, or end gerrymandering are not “special interest groups” nor are those entities that assume the responsibility to represent them to preserve their rights. If the Republicans in the Ohio legislature were really concerned about the influence of “special interest groups” HB 6 would have been repealed, a bill dealing with “dark money” would have passed into law and a law requiring disclosure of the authors of the bills being considered would have passed as the public has a right to know who or which groups are behind candidates and the bills being considered and promoted by their alleged Representatives.

Contrary to the representation of the sponsor of this resolution, amendments to the Ohio Constitution are not “permanent” as they are subject to amendment. By way of example only Article II Sect. 01g “Petition Requirements and Prep” amended in 1978 and again in 2008; Article II Section 11 amended in 1961, 1968, 1973. I am not advocating that the Constitution be amended constantly just want to make it clear that the use of the word “permanent” is an overstatement.

Further the argument that the Ohio legislature needs a vote of 3/5 in each house pursuant to Article 16 as a justification for the 60% threshold does not hold much water to me. The republicans hold the super majority and guaranteed they would maintain it via gerrymandered maps. The Resolution is guaranteed to get the 3/5 vote, a guarantee the citizens never have. When the deck is stacked it is never a fair comparison.

The sponsor of this Bill argues that the same 60% threshold will apply to legislative amendments but this is not a true comparison. While the legislature can place their amendment on the ballot in any election be it a primary, off year or a general election citizens do not have that right. So the legislature gets to place its amendment on the ballot when turnout is the lowest so their threshold will be lower than the citizens who must place theirs on the ballot in a general election. How is this fair?

As someone who was worked on a citizen led initiative I know from personal knowledge that the task is an extremely difficult one. It is not just the cost. The number of valid signatures that must be obtained is very difficult and

extremely time consuming. Those seeking to get the amendment on the ballot must secure a significant number of signatures above that required to account for those signatures which may not be valid as voters have moved, married, etc. This cannot, in any way, shape or form, be compared to the effort and cost it takes to get 3/5 of each house to approve an amendment . Why is this body trying to make it that much more difficult for the citizens of this state have their voices heard and their demands met?

In 2015 via HJR 4 the Ohio Legislature amended the Constitution to restrict the effects of citizen led initiatives. Article II Section 01e prohibits initiatives that would affect property taxes, create monopolies, establish commercial interest, commercial rights or licensure. This if the legislature has concerns about specific amendments which would detrimentally affect the state they could draft a Resolution limited in scope rather than this broad brush to make it harder for the citizens voices to be heard and permitting the minority rather than then the majority to dictate.

The timing of this Resolution is also suspect. It appears to me that this a reaction to the gerrymandering fight which has taken place this past year. This body is angry that certain non profits have taken up the cause of Ohio citizens who worked and voted to end gerrymandering. Those defending Ohioans in this cause are not “special interest groups”. Unlike the Speaker and the Senate President Ohioans were not afforded legal services paid by the taxpayers in the litigation. If not for these non profits we would have no voice in the redistricting fight. Ohioans resort to initiatives because we are ignored by our

Representatives at the Statehouse. Gerrymandering has silenced us and now this body seeks to “seal the deal” by silencing us via citizens led initiatives. This is shameful.

It is not enough that the Ohio legislature secured the super majority at the statehouse by extreme gerrymandering in violation of the Ohio Constitution. It is not enough that you intend to pass legislation making it harder to vote. No now you have to make it harder to amend the Constitution by a citizens led initiative which is very difficult to do under any standard because you are afraid of losing your power. You should all be ashamed.

As an Ohio citizen I respectfully request you vote no on this Resolution.  
Why are you so afraid to hear our voices?

*Andrea R. Yagoda*