



AMERICAN POLICY ROUNDTABLE

Ohio House Government Oversight Committee Testimony of Rob Walgate Substitute House Joint Resolution 6 December 7, 2022

Chairman Wilkin, Vice-Chair Swearingen, Ranking Member Brown, and members of the House Government Oversight Committee, thank you for the opportunity to provide testimony in opposition to HJR6. My name is Rob Walgate. I serve as the Vice President for the American Policy Roundtable.

The Constitution of the State of Ohio makes it clear that "All political power is inherent in the people. Government is instituted for their equal protection and benefit..." (Art.I s.2). This statement flows from the basic principle articulated by President James Madison (1751-1836) in which the "father of the US Constitution" made it clear that "... the people are the only legitimate fountain of power, and it is from them that the constitutional charter, under which the several branches of government hold their power..." (Federalist #49).

In the early 1900's the people of Ohio amended their Constitution to include ballot access for initiatives and referenda. The structure of that amendment was built upon the affirmation of a simple majority vote of the people. Today, a number of state legislators are attempting to place an amendment before Ohio voters to require a super-majority vote of 60% of the electors to amend the state Constitution. This is not a proposal being brought by the citizens of Ohio. This is an attempt by Republican members of the Legislature to amend and thus restrict the legal right of the people to amend their Constitution.

The Ohio General Assembly was created by the Constitution which was composed by representatives of the people and ratified by a statewide vote of the people. In essence, the people created the current form of the legislative body. The ballot initiative and referendum amendments ratified by the people and added to the state constitution in 1912 were designed by the people to provide further checks and balances on the legislative body so as to prevent the corrupt manipulation of political parties and special interests. The people passed these measures to protect themselves and their Constitution.

In every case, these amendment reforms were based upon a simple majority vote of the people and not a super-majority vote. If the people of Ohio wanted to restrict their rights by placing a supermajority requirement upon these reforms they could have done so and still may do so. HJR 6 is not a proposal from the people of Ohio. It is a proposal from the Ohio General Assembly. That body, created by the people, is now attempting to lay a heavy burden upon Ohioans thus changing the balance of power of the state government. The legislature may initiate an amendment to the

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Constitution with a 60% majority of 132 lawmakers. The people must gather nearly a half-million signatures of registered voters, with a percentage representation in 44 of 88 counties and then secure a ballot margin of 60% plus one of somewhere between 5 and 7 million voters in a general election.

In addition, the General Assembly is opening the Ohio Constitution to further corrupting devices through the use of the super-majority. Alexander Hamilton in Federalist 22 was quite certain that supermajorities were an avenue to such corruption. Hamilton called such a device "a poison" to constitutional government. Hamilton saw that corrupting agencies could and would seek to control the majority of citizens by simply funding and fueling the minority position. In the case of HJR6, the people of Ohio would have to reach a 60% +1 vote margin, but an opposing interest would only need 40% to stop any measure supported by the majority of the people.

It is important to note that had the supermajority doctrine been in effect in 1851, the Ohio Constitution as revised, would have failed. The amended document was passed by the people with a 53% simple majority.

The proponents of HJR 6 have often stated that amending the Ohio Constitution is "too easy". Real world experience proves otherwise. Such initiatives are among the most physically demanding, time consuming and expensive efforts any group of people can attempt. The American Policy Roundtable and the Ohio Roundtable, founded in 1980, have more experience in this field than perhaps any organization in Ohio. We are certain that adding the threshold of a 60% supermajority will only heighten this burden upon the citizens of Ohio. Again, the people of Ohio are not proposing this burden upon themselves. HJR6 is the effort of a majority party of the legislature attempting to place this undue burden upon the people.

Finally, this entire debate is unnecessary in that a better solution is readily available. Increasing voter participation on constitutional ballot amendments and initiated statues can be readily achieved by placing such measures before the voters only in the fall of even-year general elections. That is a simple remedy that can be presented to the people of Ohio for ratification by simple majority vote. END