



**Rick Carfagna, Senior Vice President
Ohio Chamber of Commerce
*Proponent Testimony - House Joint Resolution 6
December 7, 2022***

Good morning, Chairman Wilkin, Vice Chair Swearingen, Ranking Member Brown, and members of the House Government Oversight Committee. Thank you for allowing me to present proponent testimony for House Joint Resolution 6 on behalf of the Ohio Chamber of Commerce. My name is Rick Carfagna, and I am the Senior Vice President of Government Affairs for the Ohio Chamber of Commerce. For 129 years, the Ohio Chamber has served as the state's leading business advocate, and we represent over 8,000 companies that do business in Ohio. Our mission is to aggressively champion free enterprise, economic competitiveness, and growth for the benefit of all Ohioans.

In one of my capacities at the Ohio Chamber, I help lead our Public Affairs Committee, whose stated mission is "to monitor and evaluate public affairs issues and activities...and to examine proposed state constitutional amendments or initiative petition efforts that affect the electoral process." As listed on our website, one of our committee's 2021-2022 priorities is to "safeguard the Ohio Constitution by requiring broader public support for proposed amendments."

Accordingly, the Ohio Chamber of Commerce agrees with both the bill's sponsor, State Representative Brian Stewart, and Ohio's Secretary of State, Frank LaRose, in the belief that our state's Constitution has become a frequent target by out-of-state groups. Statewide ballot measures, particularly for constitutional amendments, necessitate a barrage of direct mail as well as persistent television, radio, and digital ads to educate Ohioans on either the merits or pitfalls of each issue. The financial burden of educating the populace on the effect of these permanent changes to Ohio's Constitution, often to benefit narrow interests, regularly falls to the state's business community to shoulder.

HJR 6 proposes an amendment to the Ohio Constitution requiring any future constitutional amendment, whether proposed by initiative petition, by the Ohio General Assembly, or by a constitutional convention, to have the approval of at least 60% of the voters as opposed to the simple majority of 50% plus one vote as required today.

The Ohio Chamber acknowledges and appreciates the revision to HJR 6 applying this 60% threshold to constitutional amendments put forward by the Ohio General Assembly, as we believe in parity between the treatment of petition-based amendments and those initiated by our state legislature. We also recognize this is hardly new ground, with red and blue states alike such as Florida, Illinois, Massachusetts, Mississippi, Nebraska, Nevada, Oregon, Washington, and Wyoming all requiring a supermajority to pass petition-based constitutional amendments. Additionally, as

noted by Secretary LaRose in his November 17, 2022 statement on HJR 6, “the U.S. Supreme Court has also already ruled that a supermajority requirement helps states prevent special interests from abusing the system.”

We believe that with a 60% passage requirement, those spearheading these ballot efforts will endeavor to craft constitutional amendments that are both more thoughtful and aspire to broader public consensus. More importantly, the Ohio Chamber of Commerce trusts in the people of Ohio to evaluate and ultimately decide the worthiness of constitutional amendments. Historically, many structural changes to our state government and critical policy decisions have been decided by supermajorities of Ohio voters, including:

- The adoption of term limits in 1992 for state legislators via State Issue 3 (approved by **68%** of the voters), and term limits for statewide officeholders via State Issue 4 (approved by **69%** of the voters).
- The adoption of Issue 1 in November 2015 to create “a bipartisan, public process for drawing legislative districts” (approved by **71.47%** of the voters).
- The denial of Issue 3 in November 2015 to grant “a monopoly for the commercial production and sale of marijuana for recreational and medicinal purposes” (denied by **63.65%** of the voters).
- The adoption of State Issue 1 in November 2017 to create “rights for crime victims” or “Marsy’s Law” (approved by **82.59%** of the voters).
- The adoption of Issue 1 in May 2018 to create “a bipartisan, public process for drawing congressional districts” (approved by **74.89%** of the voters).
- The denial of Issue 1 in November 2018 “to reduce penalties for crimes of obtaining, possessing, and using illegal drugs” (denied by **63.03%** of the voters).
- The adoption of Issue 1 in November 2022 “to require courts to consider factors like public safety when setting the amount of bail” (approved by **77.56%** of the voters).
- The adoption of Issue 2 in November 2022 “to prohibit local government from allowing non-electors to vote” (approved by **77.05%** of the voters).

The Ohio Chamber believes these examples and many others demonstrate that the collective political will of Ohioans, even on divisive policy issues, will always decisively prevail regardless of partisan affiliations.

We strongly encourage this committee, the entire Ohio General Assembly, and the DeWine Administration to begin the necessary and uncomfortable task of ballot reform starting with the enactment of HJR 6. The Ohio Chamber of Commerce believes it is time to stop monied interests from using their advantages to insert narrow self-interest provisions in the Ohio Constitution, and to instead safeguard against unnecessary and permanent bloat to this foundational document. Thank you for your time and attention to this critical subject.