



Testimony in support of HJR 6

**Ohio House of Representatives
Government Oversight Committee**

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Chairman Wilkin, Vice Chair Swearingen, Ranking Member Brown, and members of the committee, thank you for the opportunity to testify before the House Government Oversight Committee in support of HJR 6.

My name is Dr. Travis Taylor, and I am a visiting fellow with Opportunity Solutions Project, a non-partisan public policy organization. My colleague, OSP's resident elections expert submitted written testimony in support of this resolution, but as an Ohioan who will be impacted by this reform, I thought it prudent that you hear from me directly. I hold a Ph.D. in political science from the University of Kentucky, where I studied American politics with a specialization in state politics. As a professional political scientist with expertise in state politics and as a resident of the state of Ohio, I encourage you to support increasing the required support threshold for constitutional initiatives to 60 percent.

This is a simple reform with strong roots in American constitutionalism. Constitutions are fundamental law and changing that fundamental law should be more difficult than enacting a statute. The federal Constitution, for example, is so difficult to amend that, aside from the Bill of Rights, in 231 years, we have amended the U.S. Constitution only 17 times.

But amending constitutions isn't difficult for the sake of difficulty. The purpose is to ensure that anything enshrined in the supreme law has broad support, and a supermajority requirement accomplishes that. Again, as a point of reference, the federal Constitution can be amended through one of two different processes, both of which require not one, but two super-majority votes. Supermajority requirements to amend the Constitution are well-founded in American constitutional history. Constitutional historian David Kyvig wrote that "easier requirements for constitutional change might well allow other ill-considered measures to be installed in the basic framework of government...in the absence of a high degree of consensus."¹

This is a simple reform. But don't let its simplicity obscure its importance. And don't let the change obscure the fact that it also leaves unchanged two important features of Ohio constitutionalism.

First, it preserves the initiative right. Only 18 states allow citizens to bypass the legislature and put constitutional amendments on the ballot for their fellow citizens to vote up or down.² Nothing in this resolution would change that. Ohio citizens will still be able to collect the required number of

signatures, get an initiative certified by the Secretary of State, and see their proposed amendment on the ballot. This resolution preserves that right for Ohioans.

Second, it preserves and boosts the integrity of the process. Citizen initiatives came about in the early 20th century as a way for the people to overcome corruption and special interests.³ This resolution continues that tradition. Out-of-state interests have made it their mission in recent years to drop into states, skirt the people’s representatives, produce slick and at times misleading advertising campaigns, and pass their preferred policies by a slim margin of the vote.⁴ Doing so undermines the integrity of the constitutional amendment process, undermines the role of elected representatives, and undermines the people’s right to self-governance. The proposed resolution would give Ohioans an important layer of trust in the initiative process.

This is an important resolution that will bring Ohio’s constitutional amendment process in line with other states and the federal Constitution by requiring supermajority support while protecting the right of Ohioans to lead on policy and bolstering the integrity of the process. And it’s a popular reform. A poll last year by Opportunity Solutions Project showed that a majority of Ohioans support increasing the threshold to pass a constitutional amendment to 60 percent.⁵

For these reasons, I ask that you pass HJR6 out of committee—giving voters the confidence they deserve in their initiative process—and send the bill to the full House.

¹ Kyvig, David, “Debating Reform: Conflicting Perspectives on How to Fix the American Political System,” 3rd Edition, eds. Richard J. Ellis and Michael Nelson. Thousand Oaks, CA: Sage CQ Press, p. 17, (2017).

² National Conference of State Legislatures, “Initiative and Referendum Processes,” (2022), <https://www.ncsl.org/research/elections-and-campaigns/initiative-and-referendum-processes.aspx>.

³ Dinan, John J, “The American State Constitutional Tradition,” Lawrence, KS: University of Kansas Press, 2009.

⁴ Smith, Kevin B., and Alan Greenblatt, “Governing States and Localities.” 7th ed. Thousand Oaks, CA: Sage CQ Press, p. 128. (2020).

⁵ Opportunity Solutions Project, “Ohio Election Integrity Support Poll,” (2021), <https://solutionsproject.org/polls/ohio-election-integrity-support/>.