



Proponent Testimony on Sub. HJR 6
by Ohio Secretary of State Frank LaRose
House Government Oversight Committee
December 7, 2022

Chair Wilkin, Ranking Member Brown, and members of the House Government Oversight Committee, thank you for the opportunity to provide written-only proponent testimony in consideration of Substitute House Joint Resolution 6, the Ohio Constitution Protection Amendment, which proposes to amend sections of the Ohio Constitution to require a vote of at least 60 percent of the electors to approve any constitutional amendment.

History alleges that someone once asked Benjamin Franklin what kind of government the American founders created. A republic, he replied, if you can keep it.

By the grace of God, we have kept that constitutional republic for more than 235 years, in part because of the resilience of its relatively brief 7,500-word founding document. The United States Constitution, which built the platform for the greatest system of democracy in the world, has only been changed 27 times in more than two centuries, despite more than 11,000 attempts. Each of those changes required the broad consent of the governed, specifically the approval of at least 76 percent of the states.

The oldest successful governing document in human history has stood the test of time because changing it demands considerable compromise and consensus. Unfortunately, the same cannot be said for Ohio's constitution. Our state's founding document contains nearly 10 times as much content as its federal counterpart, and it's been amended nearly 200 times. Corporate interests, from casinos to payday lenders, now wage expensive campaigns attempting to amend their business plans into its solemn pages. In 2009, they even duped our citizens into etching the physical addresses of casino properties alongside our structure of government and inalienable rights.

Some of these ideas might be laudable, but they don't belong in the state constitution. They can be passed into law by the General Assembly or taken directly to the ballot through a citizen-initiated statute. Either of those options requires only a simple majority vote. The process of amending our state's charter of government should be set at a higher bar.

The current hyper-charged political environment reinforces the point. From abortion to labor rights, partisan groups are gearing up for constitutional warfare, threatening a never-ending volley of ballot issues seeking to amend their causes into our founding document. The political left can circulate petitions and place an amendment on the ballot, and the political right, with a supermajority vote of the legislature, can chase that amendment with one of its own. Groups on both sides even talk of using amendments to drive election year turnout.

As Ohio's chief elections officer, I fear this political back-and-forth will further strain our elections system, not only exhausting the people who run it but also costing taxpayers ridiculous sums of money to administer the vote and advertise the ballot issues. We can deter this abuse by passing the Ohio Constitution Protection Amendment. Working with State Representative Brian Stewart, R-Chillicothe, I asked the General Assembly to place this issue on the next statewide ballot, seeking voter approval to raise the constitutional amendment threshold to 60 percent. This is the same threshold the legislature needs to override vetoes, pass an emergency measure, or propose an amendment of its own. If these important decisions can require such weighty approvals, the same should apply to special interests. A bipartisan committee of the Ohio Constitutional Modernization Commission said as much in 2017, when they unanimously recommended raising the amendment threshold to at least 55 percent.

Other states, from red-leaning Florida to blue-leaning Illinois, have adopted similar requirements, and our proposal is significantly lower than the 76 percent margin of support needed to amend the U.S. Constitution. It's also worth noting that more than 30 states, from New York and Virginia to Pennsylvania and Wisconsin, offer no ability at all for citizens to amend their constitutions through a statewide vote.

This debate is already stirring-up overwrought hyperbole from activists claiming a threat to democracy or, absurdly, a "knife to the neck" of voters. Predictably, their short-sighted campaigns will make this a fight over the provocative political issues of the moment, hoping you'll fill their coffers with cash. We all need to take a deep breath, put aside current political disputes, and ask whether this is the best way to govern our state over the long run. If we truly love democracy, we should uphold the basic principles of a republic, which call for laws to be made through our elected representatives and constitutional amendments to be resonant and rare. Selling easy access to our constitution is no way to keep a republic. The Ohio Constitution Protection Amendment is long overdue.