



THE BUCKEYE INSTITUTE

Put Party ID on Judicial Election Ballots

Interested Party Testimony
Ohio Senate Local Government and Elections Committee
Senate Bill 80

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Chair Gavarone, Vice Chair O'Brien, Ranking Member Maharath, and members of the Committee, thank you for the opportunity to testify today regarding Senate Bill 80.

My name is Robert Alt, I am the president and chief executive officer of **The Buckeye Institute**, an independent research and educational institution—a think tank—whose mission is to advance free-market public policy in the states.

Senate Bill 80 provides voters with more information at the ballot box. Party identification is information the voters seek and providing it would lead to more voter-engagement on the general election ballot for Ohio's judges. According to a 2014 Ray C. Bliss Institute of Applied Politics **study**, only one-half of registered voters in Ohio say they always cast a ballot for judges. Three-fifths of registered voters told the Bliss Institute they “frequently lack information to make good decisions in judicial elections.”

To my knowledge, Ohio is the only state in the nation that holds a partisan primary and a general election that isn't non-partisan, but pretends to be by failing to provide party information to the voter. It is a misnomer to call Ohio's judicial general elections “non-partisan.” The Declaration of Candidacy for Supreme Court Justice, for example, *requires* a candidate to list party identification. The party identification then is omitted from the general election ballot. The process, which requires party identification to declare candidacy, places candidates on partisan primary ballots, but then omits party identification on the general election ballot, is confusing, unnecessary, and depresses voting in judicial elections.

Even in high-profile judicial elections, Ohioans vote far less frequently for judges than other elected officials. In the **2018 election**, nearly a million more Ohioans cast votes for the governor and other statewide offices than for Ohio Supreme Court justices in both Supreme Court races. In one of the 2018 Ohio Supreme Court races, the roll-off from the gubernatorial election (that is, the percentage of voters who cast votes for the governor but not the Supreme Court race) was a whopping 20.6 percent. And the roll-off from the other statewide elections compared to the Supreme Court race was nearly as stark: 19.2 percent from the attorney general race; 18.8 percent from the auditor race; 19.4 percent from the secretary of state race; and 18.7 percent from the treasurer race. The roll-off numbers in the other 2018 Ohio Supreme Court race are similar: 19.8 percent roll-off from the governor; 18.4 percent from the attorney general, 18 percent from the auditor; 18.6 percent from the secretary of state; and 17.9 percent from the treasurer.

Now consider the roll-off between the governor and Ohio's other statewide elected officials. The roll-off from governor to the attorney general was only 1.2 percent; from governor to auditor was 2.2 percent; from governor to secretary of state was 1.5 percent; and from governor to treasurer was 2.4 percent.

Contrast Ohio's roll-off rates with two recent state Supreme Court election cycles in Texas and North Carolina, states with judicial party identification on the general election ballot. In **2018**, Texas held elections for three Supreme Court seats and its statewide elected officials. In the Supreme Court races, the roll-off between the gubernatorial election and all three of the Supreme Court races was between 1.8 percent and 1.9 percent. Ohio's roll-off rate between the

gubernatorial and Supreme Court races was nearly twenty percentage points more than the roll-off rate of those same races in Texas. Similarly, in the **2020 election cycle**, North Carolina saw only a 2.5 percent roll-off between the presidential election and the state Supreme Court's chief justice election.

As Texas and North Carolina demonstrate, voter participation rises with more relevant information on the ballot. And party identification is clearly relevant information.

Senate Bill 80 will correct a flawed policy that reduces voter engagement in judicial elections. We may debate whether judges should be selected by partisan elections, but that topic is not on today's agenda. Ohio has partisan judicial elections. Ohio requires judicial candidates to identify by party, and then denies voters that very same information. If Ohio continues to hold partisan judicial elections, it should do so transparently.

Thank you for the opportunity to testify today. I am happy to answer any questions that the Committee may have.



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