

TO: Senate Local Government & Elections Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: May 24, 2022
RE: Senate Joint Resolution 6 – Interested Party Testimony



AMERICAN CIVIL LIBERTIES UNION

Ohio

4506 Chester Avenue
Cleveland, OH 44103
P: (614) 586-1959
F: (216) 472-2210

1108 City Park Avenue
Suite 203
Columbus, OH 43206
P: (614) 586-1959
F: (614) 586-1974

acluohio.org
contact@acluohio.org

Dr. Ebony Speakes-Hall, LISW-S
President

J. Bennett Guess
Executive Director

To Chairwoman Gavarone, Vice Chair O'Brien, Ranking Member Maharath, and members of the Senate Local Government & Elections Committee, thank you for this opportunity to provide Interested Party testimony for Senate Joint Resolution 6.

As you know, SJR 6 adds language to the Ohio Constitution explicitly prohibiting non-citizens of the United States from voting in Ohio's municipal elections. Of course, non-citizens are already prohibited from voting in Ohio's elections via the plain language of ORC Sec. 3503.01(A):

Every citizen of the United States who is of the age of eighteen years or over and who has been a resident of the state thirty days immediately preceding the election at which the citizen offers to vote, is a resident of the county and precinct in which the citizen offers to vote, and has been registered to vote for thirty days, has the qualifications of an elector and may vote at all elections in the precinct in which the citizen resides.

In an attempt to add credibility to this effort, proponents of SJR 6 cite *State ex rel. Taylor v. French*, a 105-year-old Ohio Supreme Court case. East Cleveland had passed a law granting women the right to vote in local elections. But aggressive opponents to women's equality sued, arguing cities had no such authority to expand voting while Ohio maintained its ban, via the Ohio Constitution, on voting by women (and non-white people). The Court ruled in favor of East Cleveland, finding it an acceptable exercise of their "home rule" authority under the constitution.

However, the *Taylor* decision came in 1917, not 2017. Over the past several decades, the Ohio Supreme Court and the General Assembly have substantially and systemically weakened the powers of local governments' in numerous ways. Simply put, we are not convinced a court that has so consistently ruled against cities' home rule authority will now do a 180 degree turn back to *Taylor*. In fact, it can easily be argued a rerun of *Taylor* is not possible because of the existence of the previously mentioned ORC Sec. 3503.01(A), not in existence in 1917.

SJR 6 was introduced only one week ago with a plan to rush it through the legislature in 2-3 weeks, on its way to the November 2022 ballot. When the legislature moves so quickly, in such a short amount of time, to amend the constitution at the very next election, it sends a signal to Ohioans this is a matter of utmost importance and urgency that simply cannot wait to be addressed.

But this rush to pass this particular, wholly unnecessary, constitutional amendment potentially sends other signals: 1) Ohio's elections are not secure; 2) Ohio is in imminent or future danger of non-citizens voting in local elections; 3) Non-citizens seek to illegally vote in Ohio and influence elections.

In short, some people have become unhealthily obsessed with a manufactured string of lies, distortions, and propaganda leading them to believe Joe Biden stole the 2020 election and his presidency is illegitimate. So far, the worst result has been the storming of the U.S. Capitol by violent radicals. Across the country, this has also led to various harassment and threats against elections officials, legislators, and governors. People have been misled into believing our system of elections, including Ohio's, resemble the Wild West, with no system of nonpartisan and bipartisan checks and balances to ensure the integrity of our votes and the methods for casting and counting them.

Still others appear absolutely convinced there is a secret, systemic plan, perpetually unfolding to replace White Americans with Black and Brown Americans. This belief has been motivation for violent white supremacists for decades. Over the past few years, there has been a sharp increase in reported hate crimes across the country as this conspiracy is amplified across more and more formats.

To be clear, we are not saying SJR 6 will directly lead to the storming of the Statehouse by a violent mob or the repeat of the recent tragedy in Buffalo. But there is danger it will be swept into the river of propaganda that explicitly or implicitly maintains elections are illegitimate and non-citizens and their motivations are to be feared. Disinformation collectively influences some people who act then violently to one or both of those conspiracies.

Why chance that during a time when so many fear they are being targeted because of the color of their skin or their role as a government official or legislator? For a constitutional amendment to prevent that which is already clearly illegal? The ACLU of Ohio asks this committee to keep these thoughts in mind as it considers Senate Joint Resolution 6.