

Testimony Before the House Constitutional Resolutions  
Committee of the Ohio House of Representatives, April 18,  
2023

Mr. Chairman, Mr. Ranking Member, and Representatives, Good morning. My name is Tony Schroeder. I am here to speak in defense of our fundamental law, the Ohio Constitution, and the body it created, the Ohio General Assembly.

Mr. Chairman, I contend that the laws under which Ohioans are governed should be decided by Ohioans. Yet, for decades, the Ohio Constitution has been for sale to out-of-state special interests who pour money into our state to achieve their own ends. Their method is to propose a Constitutional amendment by means of a ballot issue, finance signature campaigns to see the issue certified for the ballot, and flood Ohio with tidal waves of cash to ensure that the issue reaches a tie plus one vote on Election Day.

The simple majority plus one vote standard for passage was the product of the Constitutional Convention of 1912, held at the high tide of the Progressive Era. It is a product of that era, a time when mass media consisted of days-old newspapers, and consumer advertising was a sign in a shop window. The simple majority threshold reflected the times: absentee voting and early voting did not exist, and many rural voters were unable to cast a ballot at all because travel to their polling place was difficult. Yet, that standard still exists today, in this era of sophisticated demographic modeling and the spending of vast sums of “dark money” to manipulate our elections.

As an example of the manipulation of our initiative process, we need only look at Issue One, the Drug and Criminal Justice Policies ballot issue voted on in 2018. Of the \$17.6 million raised to get that measure on the ballot, more than 90% came from special interests outside of Ohio. That measure proved to be so unpopular that the backers abandoned support for the effort long before Election Day; yet, these out-of-state special interests still managed to see this unpopular issue certified and placed on the ballot in an attempt to alter our criminal laws. In essence, they bought their way on to the ballot.

Mr. Chairman, I repeat my prior assertion - Ohioans should decide how we are governed, not billionaires from California and New York. The simple majority plus one vote threshold for passage of a ballot issue is a relic of a simpler time, a time before the use of turnout analytics, issue-only PACs, and the dark uses of “dark money” reigned. The defense of our rights under the Constitution requires that the threshold now be revised.

Great changes to our fundamental law should only be made with widespread support from the citizens of this state, not as a result of a single vote past a tie. The authors of the Ohio Constitution created the General Assembly to be the representatives of the citizens of Ohio in creating our laws, and made the terms of those elected to the Ohio House of Representatives short in duration to hold them accountable to their electors; every two years, should the voters decide to do so, they can “throw the bums out” in the words of the old phrase.

At the same time, the term of office of a Senator was made twice as long to give the Ohio Senate a more deliberative role. President George

Washington famously described this role to Thomas Jefferson as pouring “our legislation into the Senatorial saucer to cool it” as one might do with hot tea. Our bicameral legislature was designed to achieve this “cooling off”, an intentional means of preventing ill-considered changes to our laws.

And yet, our present initiative and referendum process makes a mockery of this deliberative process, allowing our laws to be changed by a simple majority vote. Special interest groups see the initiated ballot issue as the means to circumvent the General Assembly, in effect fundamentally changing our laws without the benefit of having been considered by those we elected to represent us. Leaving the threshold for passage of a ballot issue unchanged opens the gate to the neutering of the General Assembly along the road to government by plebiscite, which, as history shows, dooms representative republics.

Mr. Chairman, Representatives, I urge you to defend the role of the General Assembly under the Ohio Constitution. I urge you to protect Ohioans and amend our 121 year old Constitutional amendment process to ensure that the laws under which we are governed are free from manipulation by out-of-state special interests.

I urge you to advance House Joint Resolution 1.