

TESTIMONY OPPOSING HJR 1
House Constitutional Resolutions Committee

Opposition testimony of Andrea R. Yagoda, Private Citizen

Chair Plummer, Vice Chair Hillyer, Ranking Member Mohamed and Members of the House Constitutional Resolutions Committee thank you for affording me the opportunity to testify against HJR 1 which I affectionately refer to as the “Bust the Citizen’s Initiative Bill” because I believe that this Resolution will, effectively, deny the citizens of this State the right presently guaranteed them under the Ohio Constitution Article II since 1912 which results in more power to the Ohio legislature and less power to the people. My name is Andrea R. Yagoda. I have been a resident of Ohio since 1974 and am a retired attorney. This Resolution appears to be a solution looking for a problem. A problem that just does not exist. It seeks to remove power from the people and place it in the hands of a gerrymandered supermajority. How much power does one party need?

The right to a citizen’s initiative is Ohioans safeguard against the extremes of the legislative body; against legislators who have neglected their constituents and who have refused to hear their pleas; who refuse to meet with them either on a one to one basis or in a public, at a person townhall; representatives who vote for a bill when opposition testimony outperforms the proponent testimony by 200+ to 2 and the two proponents will benefit financially if the bill succeeds; representatives who have turned their backs on the majority of their constituents and who can no longer be held accountable.

This Resolution is undemocratic, unfair, and unnecessary and will enshrine minority rule in the Ohio Constitution thereby negating the one person one vote rule. Ever since I was a little girl I can remember being told majority rules. What has changed to justify minority rule?

A review of the Ohio Constitution reveals that very few changes have been made to the Ohio Constitution in the last ten (10) years by citizens' initiative and in the years before that most of the changes were initiated by the Ohio Legislature. Over the last fifty (50) years there have been 43 citizens' initiatives. Only ten (10) passed and only five (5) were presented to voters **since 2012** and of those **only one** (1) passed. In 2018 Victim Rights were included in Article I Sect. 10a by initiative. Who was the alleged "special interest group" behind this initiative? And who were the alleged special interest groups for the following amendments passed by the voters: Freedom to Choose Healthcare (2011) ; Casino (2009); Minimum wage (2006); Definition of Marriage (2004); No sales tax on food off premises (1994); term limits (1992) and permitting those registered to vote for 30 days the right to vote (1977) Is anyone claiming these amendments were the results of "special interest groups" Admittedly a gambling amendment was passed which involved a special interest group but the legislature resolved that one in -2009 The Lotteries, Charitable Bingo and Casinos amendment was added Article XV section 06 approved by the voters by less than 60% +1.

What does this prove? That Ohio voters can be trusted to vote for those amendments they believe are necessary and benefit them. It further demonstrates that this Resolution is unnecessary.

The argument that “special interests” groups are out there amending the Ohio Constitution is just plain untrue and a tactic to scare the public. There are so many other ways to reduce the influence of “special interest groups” rather than severely limit the right of Ohio Citizens to place issues on the ballot. A bill dealing with “dark money” and/or a law requiring disclosure of the authors of the bills being considered by the legislature. A bill addressing disclosure of the organizations running ads for and against bills and candidates would all work to stymie the influence of “special interest groups”.

Further the argument that the Ohio legislature needs a vote of 3/5 in each house pursuant to Article 16 as a justification for the 60% threshold is not a fair comparison. The republicans hold the super majority and guaranteed they would maintain it via gerrymandered maps. When the deck is stacked it is never a fair comparison.

The sponsor of this Bill argues that the same 60% threshold will apply to legislative amendments but again this is not a true comparison. While the legislature can place their amendment on the ballot in any election be it a primary, off year or a general election citizens do not have that right. Further, the push to allow the legislature to place a constitutional amendment on the ballot in August when voter is the lowest demonstrates how unfair the process will be.

The legislative threshold will be lower than the citizens who must place theirs on the ballot in a general election. How is this fair?

As someone who has worked on a citizen led initiative I know from personal knowledge that the task is an extremely difficult one. It is not just the cost. The number of valid signatures that must be obtained is very difficult and extremely time consuming. Those seeking to get the amendment on the ballot must secure a significant number of signatures above that required to account for those signatures which may not be valid as voters have moved, married, etc. what For a constituent who has made numerous calls to her representatives in this body, having never spoken to a human at either the office of my state senator or representative and who has never received the courtesy of a return call, email or letter as requested, the right of citizens initiative has become a precious commodity to me as perhaps it is the only way for my voice to be heard.

As a volunteer who worked tirelessly with hundreds of other volunteers throughout the State on the campaign to end gerrymandering by way of citizens initiative I learned how difficult it is to meet the current requirements of obtaining signatures constituting 10% of the total votes cast in the gubernatorial race. Of those signatures, circulators must collect 5% of the votes cast in each of at least 44 out of the 88 counties. At present circulators, would need to secure approximately 400,000 valid signatures. In reality, circulators would need to collect between 500,000-600,000 signatures in at least 44 counties. To require that citizens obtain signatures from all eighty eight (88) counties will be insurmountable. And then eliminating the grace period to allow citizens the time

to capture additional signatures seems punitive in nature to me. And we must consider the actions of the opposition to a citizen's initiative. We saw its ugly head rise when citizens sought to repeal HB6 which makes it even harder on citizens trying to get an issue on the ballot.

Making it so difficult for everyday citizens appears to me, will result in what the sponsors of this bill claim they want to prevent "special interest" groups advocating for change. Making it harder for citizens opens the door for special interest groups as those groups Not citizens have the deep pockets and will be the only groups able to mount such a campaign.

The present standard and that proposed in this bill cannot, in any way, shape or form, be compared to the effort and cost it takes to get 3/5 of each house to approve an amendment . Why is this body trying to make it that much more difficult for the citizens of this state have their voices heard and their demands met? And what measures are the legislature going to put in place to prevent special interest groups from fighting against a proposed amendment to the Constitution. Is the concern only one way?

In 2015 via HJR 4 the Ohio Legislature amended the Constitution to restrict the effects of citizen led initiatives. Article II Section 01e prohibits initiatives that would affect property taxes, create monopolies, establish commercial interest, commercial rights or licensure. Thus if the legislature has concerns about specific amendments which would detrimentally affect the state they could draft a Resolution limited in scope rather than this broad brush to

make it harder for the citizens voices to be heard and permitting the minority rather than then the majority to dictate.

It has been said that this bill does not affect the right of citizens to push for a statute via ballot initiative, however, there is no “safe harbor”. What would prevent the legislature from merely repealing any law passed on the ballot? A lot of work and yet no guarantee that a law would survive a year.

A citizens led initiative as it stands now, is very difficult to do under any standard why make it harder and why now? This is undemocratic, unfair, unnecessary and not generally favored no matter how you slice and dice it.

As an Ohio citizen I respectfully request you vote no on this Resolution. Why are you so afraid to hear our voices? Enough is enough.

Andrea R. Yagoda