

**Michael W. Ahern**  
**Testimony before the House Constitutional Resolutions Committee**  
**05/02/2023**

Good morning Chair Plummer, Ranking Member Mohamed and members of the Committee. Thank you for the opportunity to testify in opposition to Substitute Senate Joint Resolution 2.

As an Ohio citizen and voter, I am appalled by the push by the super-majority in the illegally gerrymandered 138th Legislature to use a costly, tax-payer funded August Special election in an attempt to cement minority control over future Constitutional changes.

I am testifying so that the public record reflects the jarring grab for power by the sponsors of this Bill in relation to the deliberate and considered authority granted to the electorate to assert direct democracy when the legislature fails to represent the Ohio electorate.

- The original 1802 Ohio Constitution granted significant power to the Legislature - including sole ability to modify the Constitution. In other words, the Ohio electorate had no say in initiating or weighing in on Constitutional changes except through their annually elected officials.
- The 1802 Constitution did not give the Governor veto power and the legislature had the power to remove members of the executive and the judiciary.

In 1819, the unchecked legislature swept all Ohio Supreme Court and Common Pleas Court elected judges out of office as well as the state Auditor, Secretary of State, state Treasurer and justices of the peace via legislative fiat. There was no recourse in the Constitution<sup>1</sup>.

The 1851 Constitutional Convention deliberately righted this imbalance of power. It did three very significant things:

- It established veto power for the Governor
- It established electorate, rather than legislature approval of all future Constitutional changes
- It established a simple majority threshold for approval of proposed Constitutional changes

That's almost 175 years of precedent of two very important tenets of Ohio Constitutional construct

- Ohio voters, consistent with the principle of "We the People" asserted direct control over Constitutional changes - which still originated as proposals front eh legislature
- Ohio voters deliberately established simple majority approval of any such changes

In 1912, Ohio voters, by simple majority approval, further asserted that citizens could initiate consideration of Constitutional changes via ballot measure in addition to proposals that were initiated by the legislature.

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<sup>1</sup> The Daily Scioto Gazette, December 1, 1902

What we see in the historical record is prior Ohio generations refining the balance of power and cementing the Ohio electorate as the fundamental seat of Constitutional power both through elected representatives, but also directly when those representatives fail to reflect the will of the electorate or choose to undermine true representation of the electorate, a responsibility that they - you - have sworn to uphold.

Substitute SJR2 is an unprecedented attempt to roll back the authority of the Ohio electorate - an authority that was very deliberately written into our Constitution almost 175 years ago and further refined over 100 years ago. Let that sink in. Let the record of history reflect that if you vote this legislation out of Committee and it is approved for the August special election, you will be the first legislature in Ohio's history to reduce the power of the electorate.

To add insult to injury, it is reported that the progenitors of this legislation are overwhelmingly financially backed by an out of state special interest billionaire. Our Ohio forefathers would recognize this scheme very well and would soundly reject it. You should too.

Vote no on Substitute SJR2.