

**Testimony by Trevor P. Martin,
In Opposition to Senate Joint Resolution 2,
Before the House Constitutional Resolutions Committee
May 2, 2023**

Chair Plummer, Vice Chair Hillyer, Ranking Member Mohamed, and members of the Constitutional Resolutions Committee, thank you for providing me the opportunity to testify today in opposition to this bill, an opportunity which I was NOT permitted to do on April 19th, after waiting for over three hours next door in the overflow room to testify in opposition to HJR1. My name is Trevor Martin, I am a citizen and resident of Ohio where I was born and raised. I am a registered voter in the state of Ohio and I am a dues-paying member of and financial contributor to a large number of special interests. In fact, I have been employed by some of the very special interests that I have donated money to. However, when considering all of the membership organizations, the citizen and civic associations, public policy advocate groups, and nonprofit social welfare orgs that I have been or am an active member of, I know that they act in my best interests because we share the same interests. And each individual organization which I refer to requires and depends on the same exact thing to continue the work that they do—People like me. Motivated, inspired, engaged and active community members willing to sacrifice their time, talent and treasure to increase public understanding and empower their fellow citizens to participate in all aspects of the democratic process.

More than 225 bipartisan groups, with tens of thousands of Ohio members, have voiced their opposition to SJR 2 and HJR 1. Nearly 100 of those members, Ohio voters, gathered outside this chamber two Wednesdays ago to oppose the measure. They were dismissed as ‘special interests’ and not permitted to testify. Voting citizens of Ohio came to speak to their legislators about their concerns and were accused of being ‘special interests’. Disgraceful. There most certainly are ‘special interests’ involved in this fight—but they are not the people of Ohio—no, they are the industries and corporations behind the efforts to require a supermajority vote and thus subvert the will of the majority of Ohioans.

Secretary of State Frank LaRose and other proponents have repeatedly referenced the ‘many’ states that require a supermajority to pass constitutional initiatives. However, it has correctly pointed out that only TWO states have this requirement: Florida and Colorado. Only Florida requires a 60% supermajority. Illinois was referenced by our good friend Mr. Michael Curtain, though I will say that for a constitutional amendment to win in Illinois, it must win a supermajority vote of 60% of those voting on the question OR a majority of those who cast a ballot for any office in that election. So a constitutional amendment can certainly pass in Illinois without a supermajority of the vote. So again, we are talking about Florida and Colorado. Let us now look at *how* those states came to require a supermajority and acknowledge *who* initiated and funded those efforts.

In Florida, a legislatively referred constitutional amendment was put to the voters in 2006. Amendment 3 passed with 57% of the vote—short of the 60% requirement that it espoused. Proponents spent over \$3 million to pass the initiative. Who were they? The ballot committee in support received six figure sums from the Pharmaceutical Research & Manufacturers Association of America, Blue Cross Blue Shield, National Association of Home Builders, the Association of Realtors, and other industry leaders. The ‘NO’ campaign was virtually non-existent, with the committee in opposition, *Trust the Voters*, not receiving a single contribution over \$5,000. The Florida initiative was bankrolled by special interests.

Colorado also had a process that required only a simple majority vote to pass a constitutional amendment since 1912, the very same year the people of Ohio voted in favor of the initiative process. For over 100 years, Coloradoans used this process until 2016 when Amendment 71 was passed. Public records reveal that supporters of that amendment raised OVER \$26 MILLION, outspending their opponents by a margin of 10-to-1. Contributions again came from corporate industry leaders, including Anadarko Petroleum Corp. (\$6,712,500), Noble Energy (\$5,627,500), PDC Energy (\$2,225,500), and Synergy Resources Corporation (\$1,000,000). The Colorado initiative was bankrolled by special interests.

Years ago, I was fortunate enough to work with a “special interest group” that put me in direct subordination to one of the nation's leading authorities on the initiative and referendum processes, Mr. David Schmidt. In his acclaimed book entitled *Citizen Lawmakers*, David goes beyond viewing the initiative as an extension of citizens’ right to petition governments by describing it as capable of preventing or correcting the overconcentration of political power. He wrote that, “American history is rife with instances of corruption and misrule, but even under an honest government, political power in a given city or state can fall into the hands of an individual, a small group, or a single party. With the initiative process, however, the people retain the ultimate authority, thus preventing any monopoly power, even when an individual party controls the legislative, executive, and judicial branches of government.” There have been numerous studies that have shown evidence that the initiative places pressure on legislators to act and be representatives of the citizenry and in turn neutralizes party bosses and monied interests within the statehouse, precisely what it was intended to do when put in place.

The initiative and referendum process increases the citizen’s stake in government. It allows the electorate to help establish the legislative agenda, circumvent inertia, and makes legislative bodies more responsive to the concerns of their voters, all the while comporting with the principles of electoral representative democracy. A major advantage to this is the fact that it makes the operation of special interest groups more visible in comparison with their lobbying activities in the state legislature or local legislative body. I would even venture to say that special interests have not captured control of the initiative process as they have captured control of the legislative decision-making processes on certain subjects.

There are already protections in place to address concerns about wealthy interests

abusing the initiative process. The Ohio Initiated Monopolies Amendment, also known as Issue 2, was on the November 3, 2015 ballot as a legislatively referred constitutional amendment, where it was approved by just 51.33% of voters. The measure aims to protect the Ohio Constitution from corporate interests and requires the Ballot Board to determine if a proposed constitutional amendment violates prohibitions on granting “a monopoly, oligopoly, or cartel for their exclusive financial benefit or to establish a preferential tax status.”

Requiring a 60% supermajority to pass ballot measures strays from the intention of direct democracy and the will of the Ohio people. The higher threshold is an affront to the tradition of majority rule and one-person-one-vote and will most likely have the opposite of the sponsor’s desired effect: it will make it almost impossible for anyone except big money special interests to pass ballot measures in Ohio successfully. The special interests that I work for and that represent me do not have corporations and billionaires lining their pockets, they rely on the generosity of small individual donors, and the voluntary efforts of myself, my family and friends, and my neighbors and community members. Please, do not shut us out of the democratic process.

I urge you to oppose Senate Joint Resolution 2. Thank you.

Research cited:

[Florida Amendment 3, Supermajority Vote Required to Approve a Constitutional Amendment \(2006\) - Ballotpedia](#)

[Florida AMENDMENT 3 Donors in Support and Opposed • OpenSecrets](#)

[Colorado Imposition of Distribution and Supermajority Requirements for Citizen-Initiated Constitutional Amendments, Amendment 71 \(2016\) - Ballotpedia](#)

[Colorado AMENDMENT 071 Donors in Support and Opposed • OpenSecrets](#)