



Ohio Citizen Action

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**Ohio House Constitutional Resolutions Committee
Chairman Plummer, Vice Chair Hillyer, and Ranking Member Mohamed
Opponent Testimony on Senate Joint Resolution 2
Testimony of Rachael Belz
CEO, Ohio Citizen Action**

May 2, 2023

Chairman Plummer, Vice Chair Hillyer, Ranking Member Mohamed, and Members of the House Constitutional Resolutions Committee, my name is Rachael Belz, and I'm the CEO of Ohio Citizen Action. I thank you for the opportunity to present our opposition to Senate Joint Resolution 2 (SJR 2).

This testimony is presented on behalf of Ohio Citizen Action's 32,000 members and all Ohioans who have a stake in the decision before you.

Since 1912, Ohioans from across the political spectrum have utilized the right to amend our Constitution via the petition process. We have the power of citizen-led constitutional amendments, initiated statutes, and referenda; three abilities that citizens have in only 14 other states. These tools of direct democracy equip us with the freedom to check the power of our state government. They should never be taken for granted or seen as tactics that can be modified on a whim.

Yet, under the guise of good-government reform, Ohio Secretary of State Frank LaRose and members of this legislature have made a priority of passing House Joint Resolution 1 and Senate Joint Resolution 2, proposed identical constitutional amendments to raise the threshold to pass citizen-led Constitutional Amendments on the ballot from a simple majority (50% plus one), to a super majority (60%). SJR 2 would create further hurdles to Ohioans changing or creating their own laws by making it even more difficult to place issues on the ballot through petition signature collection. The proposal would require a percentage of signatures to come from all 88 Ohio counties rather than the current 44 county requirement. It would also eliminate the 10-day "cure period" for petitioners to make up deficits in any counties where the number of valid signatures might fall short.

To be clear, if SJR 2 were to pass, Ohio lawmakers would be asking us to cast a ballot to reduce our own rights to direct democracy. How can we see this Resolution as anything more than a power grab that makes it harder for citizens to employ a check on the state legislature?

Since 2000, there have been only 16 Constitutional Amendments proposed in Ohio. Of those, 11 have failed. Of the five that passed, three passed with more than 60 percent of the vote. Many have said that SJR 2 is a solution in search of a problem. But supporters of the Resolution

do see a problem. Their proposed policies are out of step with what Ohioans want. When you struggle to control the agenda, you must change the rules—even to the detriment of the basic rights of Ohioans.

During previous testimony, it has been repeatedly suggested that this Resolution is necessary to put a stop to the influence of special interest groups to “disturb” the Ohio Constitution. The one and only example provided is the inclusion of specific locations for casinos following a vote in 2009. Making the ballot initiative process even harder for citizen groups to access will have the opposite of this stated desired effect. It will make it almost impossible for anyone except special interests with deep pockets to successfully pass a ballot initiative in Ohio.

Perhaps the best example of this double-speak was revealed this past weekend when it was reported that Richard Uihlein, an out of state billionaire, had donated \$1.1 million to the newly formed Save Our Constitution PAC, a group urging lawmakers to support SJR 2. The Chicago Tribune reports that Uihlein is also the biggest donor to the Women Speak Out PAC, a group seeking a federal abortion ban. The group is running radio and digital ads against those House Republicans who have not committed to support HJR 1 or SJR 2. This is epitome of out of big-moneyed, out of state state special interests trying to buy their way into the Ohio Constitution, and this fact cannot be ignored.

Special interests do not need ballot initiatives to forward their agendas, House Bill 6 proved that to us. But citizens need a way to take action when our lawmakers won't act in our best interests.

Why else would lawmakers not only propose increasing the threshold necessary to pass a Constitutional Amendment but also making it more difficult to even get those issues on the ballot for consideration? This either reflects a lack of trust in Ohio voters to understand issues or a disingenuous argument meant to distract from the real motivation behind SJR 2 – a blatant attempt to control both the policy agenda and the process of direct democracy. There are simply no other reasons for it.

Late last year, lawmakers passed House Bill 458, eliminating August special elections. The rationale was that having special elections in August was too confusing to voters, would allow laws to be passed with incredibly low voter turnout, and would cost the state \$20 million to implement. Now, just a few short months later, the legislature is proposing to change the rules for their own benefit.

Legislation is being considered in both chambers to allow for a special August election specifically to consider SJR 2. If SJR 2 were to pass during an August election, it would be in place for the November 2023 statewide election where the Ohio Reproductive Freedom Amendment is likely to be on the ballot. Ohio lawmakers are playing fast and loose with \$20 million of our taxpayer money to give them an advantage in defeating an amendment designed to guarantee reproductive freedom to Ohioans. Apparently, in Ohio, if your political priorities don't reflect the will of the people, just change the rules to suit your agenda.

Last week, the former chair of the Constitutional Resolutions Committee was quoted as saying that, “Republicans aren't going to put it [HJR 1] on the same ballot as the abortion issue. That's because if they both pass with 50 percent-plus-one, then abortion would be protected by a 60 percent threshold into the future.”

This is not about protecting the Ohio Constitution. This is about gaming the system for a single issue that is popular with voters, but may not hit a 60 percent threshold.

Tools like the Constitutional Amendment process in Ohio have never been more precious nor their defense more important. We see no justifiable reason, after over 100 years, to suddenly make this already challenging process even harder. Supporters of this resolution assert that our Constitution should be protected from the whims of those who want to change it for their own benefit and gain. Yet this is exactly what you are proposing to do in SJR 2.

On behalf of Ohio Citizen Action and our members, I urge you to protect Ohio's majority-rule democracy. Be a voice of the people in a time when we are made to fight for our voices to be heard. Do not lose sight of the fact that you were elected to represent your voters, not to change the rules to erode their rights. Please vote NO on Senate Joint Resolution 2. Thank you.