

**TESTIMONY OPPOSING SJR 2,
Opposition testimony of Andrea R. Yagoda, Private Citizen
House Constitutional Resolutions Committee**

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 SJR 2 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 this right guaranteed them under the Ohio Constitution Article II. My name is Andrea R. Yagoda. I have been a resident of Ohio since 1974 and am a retired attorney. This Resolution is pretending to be a solution to a problem. A problem that just does not exist.

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, in person townhall, who have turned their backs on the majority of their constituents and who, no longer can, 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 and in the years before that most of the changes were initiated by the Ohio Legislature.

In 2018 Victim Rights were included in Article I Sect. 10a by initiative. Have the sponsors of this resolution or Frank LaRose disclosed who the alleged “special interest group” behind the initiative was?

In 2011 “Preservation of Freedom to Choose HealthCare and Coverage” was added to Article I Sect. 21 via initiative. Have the sponsors of this resolution or Frank LaRose revealed who the “special interest group” behind this initiative was? Remaining amendments in that time period were a result of the Ohio Legislature actions.

Even if we look beyond the ten (10) year mark. Little changes were made to the Ohio Constitution by citizen led initiatives. In 2009 The Lotteries, Charitable Bingo and Casinos amendment was added Article XV section 06. And the problems with this Amendment were subsequently cured. This seems to be the only initiative republicans can point to and it occurred 14 years ago. Also let me say, obviously the Ohio legislature thinks gambling is good for Ohio since we not only have the lottery but this body just gave us sports betting as well. Just wondering what “special interest group” was behind the push for sports betting?

In 2004 Article XV Section 11 declaring Marriage between a man and woman was added by initiative. Have the sponsors or Frank LaRose disclosed the special interest group involved in this initiative? Or are religious groups excluded from this category?

The argument that “special interests” groups are out there amending the Ohio Constitution is just plain untrue and a tactic to scare the public “Special interest group” is generally defined as “a body of persons, corporation, or

industry that seeks or receives benefits or privileged treatment, especially through legislation.” You know which groups this sounds like? Buckeye Firearms, NRA, Right to Life, ALEC, Center for Christian Virtue and First Energy. Entities this legislative body caters to. It was recently reported that members of this legislative body met with a Right to Life group and businesses to seek support for this Amendment and then met with the Right to Life group and a firearms group to ascertain whether they would approve of a redraft of this Amendment. So please do not gaslight us by telling us this Amendment is to restrict the influence of special interest groups. ¹

Ohioans seeking to give rights to victims, and increase the minimum wage are not “special interest groups” nor are those entities that assume the responsibility to represent them to preserve their rights. If the Republicans in the Ohio legislature were really concerned about the influence of “special interest groups” HB 6 would have been repealed, a bill dealing with “dark money” would have passed into law and a law requiring disclosure of the authors of the bills being considered would have passed as the public has a right to know who or

¹ “But at the very earliest stages — before legislative language was even complete — LaRose and Stewart were consulting power brokers outside of the Statehouse.

At the same time they were discussing Speaker Cupp’s reticence, they were also talking about Center for Christian Virtue president Aaron Baer’s involvement.

In an exchange with Stewart three days before they announced their proposal publicly, LaRose texted “I know that the life community is interested in this and Aaron Baer spoke with Huffman over the weekend.”

“Baer and I discussed it before you called me initially, too,” Stewart said.”
<https://ohiocapitaljournal.com/2023/03/14/lame-duck-debacle-how-the-bid-to-make-it-harder-to-amend-ohios-constitution-fell-apart/>

which groups are behind candidates and the bills being considered and promoted by their alleged Representatives.

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 does not hold much water to me. 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 this is not a true comparison. While the legislature can place their amendment on the ballot in any election be it a primary, or a general election citizens do not have that right. Further, we now see, that even though severely limited for the citizens of Ohio, this body feels it can call a special election in August whenever it wants to push a constitutional amendment. So the legislature gets to place its amendment on the ballot when turnout is the lowest so their 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. Then there is the renumbering of petitions in each county, verifying signatures,

the scanning, etc. 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 citizen's 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 case 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 700,000 and a million signatures in at least 44 counties.

This 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 . And now you want to increase the number of counties to 88? In December 2022 in support of HJR6 Representative Stewart testified *“Nonetheless, HJR6 would **preserve the ability of any group to propose amendments to the Constitution, and also makes no changes whatsoever to the ballot access process. HJR6 does nothing to make it more difficult to propose a constitutional amendment. Rather, HJR6 would simply require that proposals to make permanent changes to Ohio’s governing document, must achieve a broader consensus among the electorate than the barest majority of 50% plus 1 vote.**”* Representative Stewart

acknowledged at this time that changing the number of counties required and eliminating the grace period would in fact affect the ability of citizens to get an initiative on the ballot. When HJR6 was introduced late last year, Secretary of State LaRose said supporters considered, but rejected increasing the signature requirement because it would increase the chances that only well-monied special interests could afford the effort to gather hundreds of thousands of signatures from across Ohio. Neither Stewart nor LaRose nor Senators McColley nor Gavarone have provided any explanation as to why the increase in signatures and the elimination of the cure period was added to HJR1/SJR2 and is now “sound policy”.

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?

Unfortunately, what the sponsors of this bill claim they are trying to avoid will be the end result as only special interest groups with deep pockets will be able to afford a ballot initiative. Remarkably, it has recently been reported that a mega millionaire is funding the efforts in multiple states including Ohio to silence the majority making citizens initiatives impossible for citizens which explains exactly what is happening here.

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.

Ohioans resort to initiatives because we are ignored by our Representatives at the Statehouse. Gerrymandering has silenced us and now this body seeks to “seal the deal” by silencing us via citizens led initiatives.

It is not enough that the Ohio legislature secured the super majority at the statehouse by extreme gerrymandering in violation of the Ohio Constitution. It is not enough that you passed legislation making it harder to vote. No now you have to make it harder to amend the Constitution by a citizens led initiative which is very difficult to do under any standard because you are afraid of losing your power. This is shameful.

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

Andrea R. Yagoda