



Interested Party Testimony on Senate Bill 92
House Government Oversight Committee
Ohio Secretary of State Frank LaRose
April 26, 2023

Chair Peterson, Vice Chair Thomas, Ranking Member Forhan, and members of the Ohio House Government Oversight Committee, thank you for the opportunity to provide Interested Party Testimony on Senate Bill 92.

I recently submitted a letter to the Speaker of the House outlining the administrative procedures required by law should the General Assembly decide to schedule a special election in August. My testimony today reflects the contents of that letter, as I wish to inform the members of this committee of these requirements and clarify my personal position on the matter of August special elections.

First, I recognize and respect that Ohio law gives the General Assembly exclusive authority to establish the time, place, and manner of elections in Ohio. As our state's chief election officer, I believe it's my duty to fully inform those decisions, particularly regarding the statutory timelines and requirements that our 88 county boards of elections must follow to successfully act on them.

Allow me to state clearly for the record that if the General Assembly so chooses and if given adequate time to prepare, we *can* successfully administer a special statewide election in August. We have done this as recently as last August. Much has been made of my support for legislation eliminating *local* August special elections, but little effort has been put into providing context to that position. I opposed these one-off, local elections largely because they were rarely "special" or urgent, and they typically resulted in low voter participation due to their unpredictable nature. Additionally, our boards of elections had to cover the cost of operating early voting hours and Election Day logistics for ballot issues that seldom covered more than a single municipality or school district. In many cases, these elections served as a vehicle for tax increases aimed at exploiting low turnout.

To the contrary, the question being considered for proposal by the General Assembly this August carries much greater significance than a local levy and, therefore, would attract far greater participation among Ohio's electorate. Voters potentially could be asked to adopt

protective measures around our state's founding document, requiring broader consensus for all future constitutional amendments. This is a weighty issue, and I have no doubt that given the nature of what's at stake such an election would draw significant, if not record, August turnout.

With that established, I trust you will consider the required obligations our 88 county boards of elections must meet to accommodate a statewide August election. Ohio carefully administers each election on a 90-day calendar. The preparation that occurs during this period includes but is not limited to the following:

- Programming tabulation and reporting systems so statewide voting results can be published on the Secretary of State's website on election night;
- Recruiting and training over 30,000 poll workers;
- Creating, programming, proofing, and printing ballots well before the 46th day before the election;
- Ordering, proofing, and printing absentee ballots;
- Testing and programming electronic pollbooks;
- Testing and programming tabulation and voting equipment;
- Preparing for and administering early in-person voting; and
- Educating the public about the election.

Ninety days from August 8, 2023 is May 10, 2023. Please note that for an August 8 special election voting would begin in Ohio with our Uniformed and Overseas Citizens on June 23. The voter registration deadline would fall on Monday, July 10. Early voting would begin on Tuesday, July 11. The county boards of elections also will need approximately \$15 million for costs associated with this non-budgeted election.

If the General Assembly wishes to proceed with an August election, the first Tuesday after the first Monday in August is the latest that a statewide election can be held without statutorily altering the election calendar for the upcoming November election, which also requires at least 90 days to meet legal deadlines and adequately prepare. Currently, we cannot prepare for an August 8 special election because it does not legally exist. **Therefore, if the General Assembly intends to establish a statewide election on that date, I ask that you set the time, place, and manner as soon as possible but no later than May 10, 2023.**

Additionally, pursuant to the Ohio Constitution and Ohio law, the following procedures and deadlines must be met to place a General Assembly Initiated Constitutional Amendment on an August 8, 2023 ballot:

1. The General Assembly must file a joint resolution, that has passed by 3/5th of the General Assembly, with the Secretary of State's Office at least 90 days before the date of the election: **May 10, 2023.**
2. The Secretary of State must pass the joint resolution on to the Ohio Ballot Board.
3. The General Assembly may appoint members who voted in support of the proposed constitutional amendment to prepare arguments in favor of the resolution, and the General Assembly may appoint members who voted in opposition to the proposed constitutional amendment to prepare arguments against the resolution. All arguments must be 300 words or less and must be filed with the Secretary of State not later than 80 days before the election: **May 22, 2023.**¹
4. If members of the General Assembly fail to prepare or timely file arguments, the Secretary of State must notify the Ohio Ballot Board, which must prepare the arguments or designate a group to do so. The arguments must be filed with the Secretary of State not later than 75 days before the election: **May 25, 2023.**
5. The Ohio Ballot Board must prescribe the ballot language and explanation for such proposed constitutional amendments and certify them to the Secretary of State not later than 75 days before the election: **May 25, 2023.**
6. Cases challenging the ballot language, the explanation, or the actions or procedures of the General Assembly in adopting and submitting a constitutional amendment must be filed not later than 64 days before the election: **June 5, 2023.**
7. The proposed amendments, the ballot language, the explanations, and the arguments must be published once a week for three consecutive weeks preceding such election, in at least one newspaper of general circulation in each county of the state where a newspaper is published.
8. If a majority of voters approves the amendment, it shall become part of the constitution.

Thank you for the opportunity to provide Interested Party testimony to Senate Bill 92. My Office stands ready to provide any additional information or clarification to the committee as you consider the adoption of this legislation.

¹ R.C. 1.14; R.C. 3505.063(B)(1).

Yours in Service,

Frank LaRose
Ohio Secretary of State