

**TESTIMONY OPPOSING SB 92/HB144,  
Opposition testimony of Andrea R. Yagoda, Private Citizen  
House Government Oversight Committee**

Chair Peterson, Vice Chair Thomas, Ranking Member Farhan and Members of the House Government Oversight Committee thank you for affording me the opportunity to testify against SB 92/HB144 I have been a resident of Ohio since 1974 and am a retired attorney. This Resolution is not even pretending to be a solution to a problem. It is obviously one more attempt of a super majority to cement their power and the power of a minority and to silence the voices of a majority of Ohioans.

When he introduced the original version of HB 458 last year, Representative Hall justified the elimination of August special elections, except in very limited circumstances, he testified:

***This amounts to gaming the system and trying to pass levies when most of the electorate is not engaged in the process. This bill would aim to stop this cycle of a small minority of the community deciding important tax levies during these elections...Unless there are unique circumstances, we should have two elections a year in Ohio: a primary election, and a general election. August special elections are costly to taxpayers and fail to engage a meaningful amount of the electorate in the process. They should be eliminated from the elections calendar.***

And Secretary of State LaRose testified as follows after giving two examples of low voter turn out in August elections, Hamilton County 11.8% and Cuyahoga County 6.8%, as follows:

***These are just two examples of chronically low turnout elections when voters aren't expecting an election to occur – and that is bad news for the civic health of our state. This important piece of legislation will fix it. These embarrassingly low voter turnout rates aren't unique to these counties. Far more often than not, this is normal among counties that have an August special election. Voters just don't turn out...***

*This is important not just for our communities, but for the success of our 88 county boards of elections. An August special election requires these boards to undergo a full election planning process, including recruiting and training poll workers, staffing early voting periods, and rigorous testing of equipment. **These preparations are wasteful and cost the taxpayers precious scarce resources.** What's worse, the boards often have little notice or time to prepare for such elections. Simply put, an August Special election is the last thing election officials should be dealing with as they ready themselves for an important November election that begins with the start of early voting in October. **These unnecessary "off-cycle" elections aren't good for taxpayers, election officials or the civic health of our state. It's time for them to go!***

In their written testimony introducing this bill the sponsors of SB 92 gave absolutely **no reason** why Ohio needs to broaden the exceptions to the law eliminating special August elections.<sup>1</sup> **No** reason why it is an emergency for the legislature to conduct a special August election vs the primary or the general election. There is **No** reason provided as to why the Ohio legislature needs a special August election at a cost of 20 million dollars to conduct an election to amend the Ohio Constitution. **No** reason why, as stated by Frank LaRose in his proponent testimony supporting the elimination of special August elections, ***"Voters are just as capable of voting on these important issues during the standard primary and general elections and there is no reason why these contests can't happen at the regularly scheduled primary and general elections which occur twice a year"***

While the Republican's left hand is saying that the Ohio Constitution is a sacred document and should be protected, the right hand is saying the opposite. If such a sacred document why, in the words of Frank LaRose should ***"just a handful of voters end up making big decisions. The side that wins is often***

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<sup>1</sup> I could not locate any written testimony as of drafting this testimony from the sponsor of HB 144

***the one that has a vested interest in the passage of the issue up for consideration. This isn't how democracy is supposed to work. More importantly, it doesn't have to."***

Why should a handful of voters with a vested interest be permitted to amend the Constitution? Why is an August special election needed? Why can't voters vote in the primary or general election on a legislative attempt to amend the Constitution?

This attempt is particularly egregious coming at a time when the law has dramatically changed as to voter ID, form required to request an absentee ballot, cure times and receipt times reduced, etc. Frank LaRose testified against August elections as it worked a hardship on the local Boards of Elections. Boards of Elections and the voters are dealing with this new voting law. The Secretary of State has failed to orchestrate a campaign advising voters of the new voter ID requirements; the new law that requires all mail in voters MUST use the form provided by the SOS; the cure and receipt time have been shortened, Monday voting has been eliminated, The time to request a ballot has been shortened, etc. Many Ohioans are scrambling to obtain the documentation required to obtain a state ID to vote and many will be unable to acquire the same by the date of a special election.

These bills are a mere attempt to game the system to pass Constitutional Amendments in the dark of night when we **know** the smallest number of Ohioans come out a vote. It is an affront to democracy, the Democratic process and the civic health of our State.

I ask this Committee to vote NO on this bill.

*Andrea R. Yagoda*