



Opposition Testimony to Senate Bill 92 and House Bill 144
Ohio House Government Oversight Committee
Kelly Dufour, Common Cause Ohio
April 27, 2023

Chair Peterson, Vice Chair Thomas, Ranking Member Forhan, and esteemed members of the Government Oversight Committee:

Thank you for allowing me to testify today. I am the voting and elections manager of Common Cause Ohio, a grassroots advocacy organization committed to open and accountable government and fair and accessible elections.

Common Cause Ohio opposes Senate Bill 92 and House Bill 144 and we encourage members of this committee to not only consider our testimony related to special August elections, but the following statements from public officials and election professionals.

According to Mike Curtin, two term Ohio House Rep. and co-author of *The Ohio Politics Almanac*, *"Throughout 220 years of statehood, the Ohio General Assembly has never scheduled an August special election to rush to the statewide ballot a seismic, history-changing amendment to the Ohio Constitution. Not during the Great Depression. Not during war. Not ever."*

This week, four former Ohio governors went on the record to oppose reintroducing a special August election, especially as a means to an end. In a letter to the 135th General Assembly dated April 23, Republican and Former Ohio Governor and Secretary of State Taft wrote: *"I concur with current Secretary of State Frank LaRose when he declared 'August special elections aren't good for the taxpayer, elections officials, voters or the civic health of our state.'" Taft continues, "I also believe that it is especially bad public policy to revive the August special election for the purpose of voting on such a consequential constitutional amendment as SJR 2 or HJR 1 which would fundamentally change Ohioans' voting and constitutional rights."*

Former Governor Taft is referencing our current Secretary of State's House Bill 458 testimony for eliminating special August elections submitted to both House and Senate Chambers. I think it's worth sharing a longer excerpt from Secretary LaRose:

(after providing two examples of low turnout) he stated, "...chronically low turnout elections when voters aren't expecting an election...is bad news for the civic health of our state...a handful

of voters end up making big decisions. The side that wins is often 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...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...preparations are wasteful and cost the taxpayers precious scarce resources. 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!"

Senate Bill 92 passed out of the Senate with no proponent testimony. Among the opponents, however, was testimony last week from Auglaize County Board of Elections officials stating, "Sadly, when the General Assembly passes legislation to eliminate August special elections, then introduces legislation to bring it back, we as election officials lose faith in the process. The upcoming deadlines for the November 7, 2023 General Election will create hardships for boards of elections to complete both requirements simultaneously."

Secretary LaRose, The Ohio Association of Election Officials and The County Commissioners Association of Ohio all agreed that special August elections are costly to taxpayers and difficult on election officials. These leaders joined the original sponsor, Rep. Hall and county officials from Butler, Erie, Hamilton, Wood and Clinton in support of banning August special elections in House Bill 458 testimony. Remember, all but two Republican legislators voted "yes" on this bill just four months ago.

Greg Lawson from the Buckeye Institute testified on HB458 in Nov. 2022 as stating, *"eliminating August special elections will help protect voters and taxpayers from narrow special interests looking to take advantage of low election-day turnout..."* I'm guessing Greg and I may not agree on everything, but I do agree, in context for this August, as he continued, *"Off-cycle elections empower a small but motivated fraction of voters to hold sway over the vast majority of voters who are likely unaware that a question has even been asked, let alone put on a ballot. Such tactics strike at the very heart of our American self-government and allow the few to unfairly rule the many."*

House Bill 458, originally introduced in 2021 to prohibit special August elections with minor exclusions, went into effect on April 7, just three weeks ago. Three representatives on this committee, Representatives Cross, Ray and Swearingen, co-sponsored the bill. After more than 60 pages of rushed amendments were added to this initially simple piece of legislation, the 134th General Assembly passed House Bill 458 and turned voting and elections administration on its head, with no additional funding to educate Ohio voters.

I ask you to please consider the impact of your decisions on all Ohioians, including public officials and poll workers charged with carrying out our elections and the voters who show up to vote. I urge you to oppose Senate Bill 92 and House Bill 144. Thank you for this opportunity to share my concerns.

Appendix - Testimony supporting elimination of August special elections, Nov. 2021- Apr. 2023

- [Michelle Wilcox](#), Luke Scott, Rodney Metz, Francie Engle, Diana Dulebohn, Joe Kuhn, Auglaize County BOE, SB92 Opponent Testimony, Apr. 18, 2023.
- [Cory Noonan](#), Director of the County Commissioners Association of Ohio (CCAO) and Allen County Commissioner, HB458 Proponent Testimony, Nov. 16, 2021.
- [Nicole Unzicker](#) and Eric Corbin, Butler County BOE, HB458 Proponent Testimony, Nov. 15, 2022
- [Greg Lawson](#), The Buckeye Institute, HB458 Interested Party Testimony, Nov. 29, 2022
- [Rep. Thomas Hall](#), Sponsor testimony, Oct. 9, 2021 (and submitted again on [Mar. 15, 2022](#) in Senate Local Government and Elections Committee).
- [Terry Burton](#), Legislative Co-Chair of Ohio Association of Election Officials and Wood County BOE Director, HB458 Proponent Testimony, Nov. 16, 2021 (and submitted again on [Nov. 15, 2022](#) in Senate Local Government and Elections Committee).
- [Judi Boyko](#), Butler County Board of Commissioners, HB458 Proponent Testimony, Nov. 16, 2021.
- [Frank LaRose](#), Ohio Secretary of State, HB458 Proponent Testimony, Dec. 7, 2021.
- [Frank LaRose](#), Ohio Secretary of State, HB458 Proponent Testimony, Mar. 15, 2022.
- [Matt Old](#), Director of the County Commissioners Association of Ohio (CCAO) and Erie County Commissioner, HB458 Proponent Testimony, Nov. 16, 2022.
- [Shane Breckel](#), Ohio Association of Elections Officials, Clinton County BOE Director, HB458 Proponent Testimony, Nov. 16, 2022.
- [Sherry Poland](#) and Alexander Linser, Hamilton County BOE, HB458 Proponent Testimony, Nov. 16, 2022.