

Testimony by Kevin C. O'Neil
On Senate Bill 92, Before the Senate General Government Committee
April 26, 2023

Chairman Rulli, Vice-Chair Schuring, Ranking Member DeMora, and members of the Senate General Government Committee, thank you for providing me the opportunity to testify today in writing in opposition to Senate Bill 92, a proposal to allow for a special election to be held in August 2023 for certain limited purposes.

Senate Bill 92 provides for a onetime special election in August 2023 “for the purpose of submitting a statewide ballot issue to the voters under Section 1 of Article XVI, Ohio Constitution.” The specified section deals with amendments proposed by the General Assembly, not by citizens or groups. And specifically for Senate Joint Resolution 2, a proposal to raise voter approval for constitutional amendments to 60%, for the sole purpose of restricting Ohio voters (whom this body swore and oath to represent) from passing Constitutional amendments.

Four months ago (December 2022), a majority of Ohio senators voted in favor of House Bill 458, legislation that did away with most August special elections because:

- (1) There should only be two elections a year “a primary election, and a general election.”
- (2) August special elections are costly to taxpayers (in excess of \$20.0 million).
- (3) Off-cycle’ elections are not good for taxpayers, election officials or the civic health of our state.¹

Why the sudden change? While some say it is to protect Ohio's constitution from outside interest groups, ***it's clear the real reason as stated by Senate President Huffman and Rep. Brian Stewart (the sponsor of House Joint Resolution 1), is to attack an effort underway by Ohio voters to establish a constitutional right to abortion in Ohio²***, an amendment supported by over a vast majority of Ohio voters.³

The Ohio Senate should not adopt any resolution or law that takes away from Ohio voters a fundamental right to amend their Constitution. The Ohio Senate answers to the voting public, not the other way around. A vast majority of Ohio voters support the Constitutional amendments being sought and it is fundamentally undemocratic for the Ohio Senate to abridge those vested rights.

“The people of Ohio participated directly in making their constitution, and it cannot be amended without their consent.” I urge you to vote **NO** on SB 92, though if you truly believe voters want this change to our constitution, then put it on the ballot during a November general election when the people turn out to vote and may give their true and collective consent.

¹ Ohio Secretary of State Frank LaRose

² Senate President Matt Huffman said recently the roughly \$20 million price tag of an August 2023 election would be worth it to stop the voters from adding pro-choice rights to the Constitution. Letter from Rep. Brian Stewart (December 2022).

³ Ohio Suffolk University/Cincinnati Enquirer Poll (6/5/22); Baldwin Wallace Ohio Pulse Poll (11/16/22); Public Religion Research Institute (12/22).