

Testimony Before the General Government Committee of the Ohio Senate, March 29, 2023

Tony J. Schroeder, Board Member, Putnam County Board of Elections

Mr. Chairman and members of the Committee, good morning. My name is Tony Schroeder, and I am a Member of the Putnam County Board of Elections. I was first appointed to the Board in March of 2016.

I am offering testimony today in support of Senate Bill 92 and Senate Joint Resolution 2.

If county Boards of Elections had a motto, it would be one borrowed from the Boy Scouts: “Be Prepared”. The processes and technology of elections administration change constantly, as do the laws and the judicial rulings that govern the actual conduct of elections, and the populations of electors that we serve. In a sense, the only constant in elections administration is change.

Recently, county Boards of Elections have dealt with the “on, off, on again” Primary Election in 2020 during the COVID pandemic and the uncertainty created by the redistricting process and judicial interventions that lead to an unusual August Primary election last year. Boards throughout Ohio were prepared to face these challenges and overcame them to administer fair, thorough, and accurate elections statewide.

The year between Gubernatorial and Presidential election years is devoted to local elections, and many counties, like Putnam County, will not have a Primary election this year, as local candidates generally do not declare a Party affiliation. As a result, an August special election does not create a substantial burden to our Boards, and as the General Assembly is providing funding for the conduct of the election, our county budgets are not impacted.

Ohio's method of election administration is robust and capable of adapting to change. Should the General Assembly decide to schedule an August Special election, Ohio's county Boards of Elections will be ready to conduct that election with the same dedication and professionalism they have shown in prior, and more difficult, circumstances.

A few words about Senate Joint Resolution 2.

The right to amend the Ohio Constitution by initiative and referendum was the product of the Constitutional Convention of 1912, a convocation dedicated to the sweeping changes of the Progressive Era. The delegates to that convention arrived at their meeting places by train and horse-drawn carriages because automobiles had just been invented, and the only mass media advertising was often contained in a weeks-old newspaper. Those delegates could not have conceived of how Ohio's elections would be conducted today, especially the vast sums of money that are poured into Ohio from out-of-state special interests seeking to influence our votes. One only need look at the history of ballot issues proposed in recent years, or even the United States Senate and Ohio Supreme Court races last year, to see how people who do not live in this State were attempting to decide how Ohioans are represented and governed.

In a sense, the delegates of 1912 created a problem they could not have foreseen by making the threshold to amend our Constitution, our fundamental law, a simple majority vote. That threshold reflected the times: absentee voting did not exist, nor did early voting before Election Day, and many rural voters were unable to cast a ballot at all because travel to their polling place was often difficult. This last reason was also reflected in the requirement that the petition for an initiated constitutional amendment include part-petitions from 44 of Ohio's 88 counties; this was considered reasonable given the difficulties encountered in reaching much of rural Ohio. Those difficulties no longer exist, but the part-petition requirement still does.

Great changes to our fundamental law should be done with widespread acceptance amongst the citizens of this state, not as a result of a single vote beyond a tie. Our Founders knew this when they wrote our national Constitution: requiring a 2/3rds majority vote in the Congress and a 3/4ths majority vote for passage by the several States meant that our national fundamental law could only be changed by broad agreement of the citizenry.

Are the rights we enjoy as citizens of Ohio under our state Constitution any less sacred than those we enjoy as citizens of the United States under our national Constitution? I contend that they are not, and the protection of those rights requires immediate action in their defense.

I respectfully urge you to pass Senate Bill 92 and Senate Joint Resolution 2.