



Ohio Environmental Council [Action Fund]

Testimony of Chris Tavenor regarding Senate Joint Resolution 2 Managing Director of Democracy Policy, OEC Action Fund Before the General Government Committee of the Ohio Senate

Chair Rulli, Vice Chair Schuring, Ranking Member DeMora and Members of the Ohio Senate General Government Committee, thank you for the opportunity to submit testimony to this committee regarding Senate Joint Resolution (SJR) 2. My name is Chris Tavenor, Managing Director of Democracy Policy for the OEC Action Fund. As we opposed HJR 6 in the 134th General Assembly, we oppose SJR 2—this proposal is an attack on the right of all Ohioans to the citizen-initiated constitutional amendment process.

At the OEC Action Fund, we fundamentally believe a healthy democracy is integral to ensuring all Ohioans can have a healthy environment. To advocate and fight for the beautiful places we love, for clean air to breathe and safe water to drink, we must have a democracy that responds to our needs. In December 2022, we were proud to join with hundreds of other organizations in opposition to HJR 6. We're proud to be back opposing SJR 2 as well.

Direct democracy is a tradition in Ohio. The act of gathering signatures for an issue we care about—then placing that issue on the ballot—it's fundamental to how our democracy works. And Ohioans don't pass constitutional amendments lightly. In fact, many constitutional amendments fail once on the ballot.

Regardless, the Ohio Constitution is fundamentally the document enshrining the will of the people of Ohio. It is intentionally a more flexible and more often amended document than the U.S. Constitution—foundational law for a state should be more thorough than the federal level's foundational law. Over the past few months, plenty of advocates have emphasized the language from the 1912 Ohio Constitutional Convention, but it is perpetually worth repeating.

"I believe in the initiative and the referendum, which should be used not to destroy representative government, but to correct it whenever it becomes misrepresentative. Here again I am concerned not with theories but with actual facts. If in any state the people are themselves satisfied with their present representative system, then it is of course their right to keep that system unchanged; and it is nobody's business but theirs. But in actual practice it has been found in very many states that legislative bodies have not been responsive to the popular will. Therefore I believe that the state should provide for the possibility of direct popular action in order to make good such legislative failure."

— Teddy Roosevelt, 1912, Address at the Ohio Constitutional Convention

The power to amend systems of government is a profoundly American principle, finding its history in the Declaration of Independence, when the drafters of that document included the following words:

“It is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.” — the Declaration of Independence

In December, I stood before this body and emphasized foundational language from the Ohio Constitution pertaining to the legislative power of the people. Here it is again.

We, **the people of the State of Ohio**, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution. *Preamble, Ohio Constitution.*

All political power is inherent in the people. Government is instituted for their equal protection and benefit, and **they have the right to alter, reform, or abolish the same, whenever they may deem it necessary.** *Article I, Section 2 of the Ohio Constitution.*

The legislative power of the state shall be vested in a general assembly consisting of a senate and house of representatives **but the people reserve to themselves the power to propose to the general assembly laws and amendments to the constitution**, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided. *Article II, Section 1, Ohio Constitution.*

I reiterate these foundational words of Ohio’s Constitution, of the declaration of independence, the words of a former U.S. President, all to emphasize how SJR 2 flies in the face of what democracy should look like in Ohio. Ohio’s elected leaders should not be afraid of the people retaining the power to alter, reform, or abolish sections of the Ohio Constitution. Ohio’s elected leaders, like Teddy Roosevelt did a century ago, should further enshrine and uplift the power of direct democracy.

We propose the conversation shift not to restricting the right of direct democracy in Ohio, but to enhancing it and improving it. If we are concerned about too many proposals to amend the Ohio Constitution, let’s have a conversation about reforming the statutory initiative process to make it easier for Ohioans to engage with the Ohio Revised Code. If we are concerned about heavy-handed corporate interests influencing our elections, let’s explore campaign finance reform.

Instead, we’re talking today about a proposed Constitutional amendment designed to make it harder for Ohioans to amend the Ohio Constitution—the document enshrining all political power in Ohioans themselves. We’re also talking about SJR 2 in the context of it being placed on the

ballot during an August special election. August special elections have the lowest voter turnout of any Ohio elections.

The OEC Action Fund has an obligation to its constituency to call this process what it is—an explicit effort to short-circuit the right of direct democracy in Ohio by placing it on the ballot at a time when very few Ohioans will vote in an August special election. It is an explicit effort to ensure Ohioans do not know they are missing an election where they're having a fundamental right vitally altered.

While this testimony pertains to SJR 2, not SB 92, which is designed to create that August special election, it is all part of the same narrative. We ask the General Assembly to reconsider this course of action. While we would prefer the substantive issues of SJR 2 end here, in committee, if it is to be put to the voters for consideration, it must be considered during a November election.

The truth is, the real interests behind SJR 2 made themselves known in late 2022 in communications back and forth between sponsors. SJR 2 is designed to block future efforts to amend the Ohio Constitution on particular substantive issues popular with Ohioans but not with particular special interests and elected officials. The real reasons behind SJR 2 represent the exact reason the right to ballot initiative was enshrined in the Ohio Constitution back in 1912 in the first place.

For these reasons and many more, the OEC Action Fund urges members of this committee to vote no on SJR 2. We look forward to future opportunities to discuss meaningful reform to Ohio's direct democracy—reforms that truly enhance the experience and make people a fundamental part of the process. We hope the Ohio General Assembly will finally put this issue to bed.

SJR 2 is an unnecessary constitutional amendment. It's simply bad policy. Ohioans have passed and failed constitutional amendments by a simple majority for over a century, and there's no reason to change a system that isn't broken.

Respectfully submitted,

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