



RANK UNIVERSITY HEIGHTS

February 20, 2024

Senate General Government Committee
Opponent Testimony on Senate Bill 137

Chair Rulli, Vice Chair Schuring, Ranking Member DeMora, and members of the Senate General Government Committee:

We, Rank University Heights, are a nonpartisan local ballot issue committee formed by University Heights residents in July 2023 to organize community support for an amendment to the city’s charter implementing ranked choice voting (RCV) for city elections. We believe that a better ballot – one that allows voters to rank candidates in order of preference – can improve local government through fairer and more effective representation that gives voice to the city’s mosaic of interests and groups and that makes city government more responsive to its residents.

In 2023, the city’s charter review commission (CRC) recommended to our city council ten charter amendments, including one providing for ranked choice voting in city elections. During their charter review, the CRC consulted the National Civic League’s Model City Charter, which now recommends that local governments consider adopting instant runoff voting. *See NATIONAL CIVIC LEAGUE, MODEL CITY CHARTER 44 (9th ed. 2021).* From 1915 until 1964, their Model City Charter had also recommended proportional representation as the preferred method of electing city councils, which they continue to say “provides the greatest equity in representing all sectors of the community.” *Id.* In its final report, our CRC concluded, “[RCV] provides a fairer electoral process that can improve democratic legitimacy and civic participation and help elect City officials with broad support who more accurately represent voter preferences and the electorate.” However, our city council ultimately declined to submit the proposed RCV charter amendment to voters this past November.

One month after the CRC submitted its final report, Senate Bill 137 was introduced, which seeks to financially punish cities for exercising their constitutional powers to exercise all powers of local self-government under the state constitution's Home Rule amendments. This bill is a violation of the spirit, if not the letter, of Home Rule. As Ohio Supreme Court Justice Ralph S. Locher wrote in 1980, "The purpose of the Home Rule amendments was to put the conduct of municipal affairs in the hands of those who knew the needs of the community best, to-wit, the people of the city."

Nevertheless, Rank University Heights wants to build on this opportunity with the goal of getting RCV on the ballot here in University Heights, and we are just starting our efforts to build community support for this democratic reform.

In our mayoral elections, RCV would serve as an instant runoff when no candidate receives a majority of the votes. This would reduce wins by a plurality without the added cost of a primary election or low-turnout runoff election and would therefore help protect majority rule. RCV can also improve elections with multiple winners, like University Heights's non-partisan at-large city council elections. In our council elections, representation can be distorted when there are larger fields of candidates that split votes between similar candidates. With RCV, councilmembers would be elected in proportion to their share of votes, which would make our city council more accurately representative of us.

Almost 30 years ago, Professor Kathleen L. Barber – Professor Emerita and former Chair of the Political Science Department at John Carroll University in University Heights, Ohio, and former councilmember on Shaker Heights City Council – published a book examining the history of proportional representation in the United States focusing on case studies of five Ohio cities (Ashtabula, Cleveland, Cincinnati, Hamilton, and Toledo) that elected their city councils by ranked choice voting between 1915 and 1960. In that book, Professor Barber concluded, "[Proportional representation in Ohio] did what it was supposed to do, that is, facilitate the representation of minorities of various sorts. * * * Ethnic, religious, and racial minorities, the partisan minority in single-party-dominant cities, and, in many cases, women were elected to council seats for the first time." KATHLEEN L. BARBER, PROPORTIONAL REPRESENTATION & ELECTION REFORM IN OHIO 65-66 (1995). She also wrote that proportional representation was a "political

reform launched ahead of its time. What it did best was to facilitate the representation of both the majority and substantial minorities in the governing process.” *Id.* at 120. In those five Ohio cities, it “demonstrated to be an electoral system technically capable of facilitating public decision making in complex communities as well as producing fair representation.” *Id.* at 121-22.

RCV is designed to give voters more choice and allow them to express their preferences more accurately in order to create a fairer and more representative electoral system that better reflects the will of the voters, which would result in better city elections. The biggest flaw in our current plurality voting system is its tendency to overrepresent the majority and systematically underrepresent minority groups. As Professor Barber argued, plurality electoral systems render large numbers of ballots ineffective and may leave significant groups unrepresented.

University Heights is not a homogenous community; it is diverse, which is one of our strengths and a benefit to us who live here in this community. Yet, like many other cities, we have various minority communities of interest – whether racial, religious, ethnic, social, economic, partisan, or cultural – who may be underrepresented or unrepresented in our local government and the making of public policy as a result of our current plurality elections. Bringing RCV to University Heights will help facilitate better representation of various minority communities of interest in our city.

In our community, these minority groups include Republicans. There are only about 562 registered Republicans in University Heights compared to about 3,068 registered Democrats. That is why former Representative Gene Krebs (R-Preble County) argues that Senate Bill 137 would hurt Republicans in urban counties, like Cuyahoga County. *See* Gene Krebs, Op-Ed, *Can Ranked Choice Voting Catch Mice?*, CLEVELAND.COM (Sept. 17, 2023). Howard Wilkinson, *Analysis: Why Would Republicans Want to Ban an Election System That Could Help Them?*, WVXU (July 26, 2023); Karen Kasler, *Bill Seeks to Punish Ohio Communities That Pass Ranked Choice Voting*, IDEASTREAM (July 25, 2023); Sabrina Eaton, *Republican Ohio Senator Wants to Ban Ranked Choice Voting*, CLEVELAND.COM (July 21, 2023).

There is also a growing Orthodox Jewish community here in University Heights who share common identity, interests, and goals. *See* Jeff Piorkowski, *Council Committee Discusses Changes Brought About by Growth of*

University Heights' Orthodox Jewish Community, CLEVELAND.COM (Dec. 10, 2021). RCV would give them a better opportunity to have their voices heard in local government.

RCV mitigates the problems of vote-splitting, spoiler candidates, wasted votes, and strategic voting. Many voters are often faced with the dilemma of holding their noses and voting for an acceptable candidate who seems more electable rather than the candidate whom they truly prefer. It gives voters more meaningful choices and the freedom to vote their consciences.

A secondary benefit of fairer and more effective representation that gives minority groups greater influence is that candidates must appeal to the broader electorate, which can help neutralize polarization, extremism, and negative campaigning and instead can help incentivize compromise and coalition building. Right now, voting is about who we hate - not who we like - and that is a direct result of our plurality electoral system, which is exacerbated by the increasing polarization of our political parties.

For the foregoing reasons, we respectfully request that this Committee defeat Senate Bill 137 and allow Ohio's cities to continue to exercise all powers of local self-government as afforded by the Ohio Constitution.

Respectfully,
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