

Opponent Testimony on SB 137
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Senate Bill 137 is unconstitutional.

Local establishment of ranked choice voting is a local rather than extra territorial exercise of self-government within any Chartered Ohio City that enacts local legislation establishing ranked choice voting as long as that legislation does not purport to affect extraterritorial areas beyond its jurisdiction. Such legislation establishing ranked choice voting by a chartered City in Ohio is a fundamental tenet of local self-government. It is not an exercise of the police power which could be overridden by state law - especially preemptively. “ It is beyond question that pursuant to Sections 3 and 7, Article XVIII of the Ohio Constitution, all powers of local self-government are protected from state interference, and that state statutes may take precedence only where they conflict with local police power regulations”, (Twinsburg v. State employee relations Board 1988). In other words, the Ohio Constitution directly provides primacy to Chartered Ohio municipalities in exercising local self-government within its jurisdiction.

It is gross and unconstitutional overreach by the legislature to enact legislation preempting the ability of a local government within its self-government powers provided by the state constitution. If an individual, organization, or the Attorney General alleges that local legislation, enacted at the local level, affecting Ohio citizens within its Chartered local jurisdiction, such as ranked choice voting provisions, violate Article XV111 of the Ohio Constitution, a lawsuit can be filed to address the alleged violation. However, the legislature is not empowered under Ohio's Constitution to preempt a local jurisdiction from establishing local self-government provisions within its jurisdiction. Senate Bill 137 as written does just this and therefore is unconstitutional.

This Committee and the Senate cannot pass any proposed legislation that clearly violates the Ohio Constitution. I urge all Committee members to uphold all provisions of the Ohio Constitution and vote no on S.B. 137.