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WRITTEN/VERBAL OPPONENT TESTIMONY OF DEBBIE SCHAFFNER
Constituent of Ohio Senate District 20

Hearing on Senate Bill No. 63, "Generally Prohibit The Use of Ranked Choice Voting"

Chair Ray, Vice Chair LaRe, Ranking Member Brent and members of the House General Government Committee.

My name is Debbie Schaffner, a constituent from Fairfield County and elected council member in the Village of Baltimore. Thank you for the opportunity to provide opponent testimony on Senate Bill 63, legislation that would prohibit Ranked Choice Voting (RCV). This Senate bill says, "it's your constitutional right to implement Ranked Choice Voting but if you do we're going to punish you".

I was one of about 90 Ohioans who previously submitted opponent testimony to the Senate, providing facts and corrections to the many mistruths from both co-sponsors of this bill. Despite this, the Senate chose to stand firm with the out of state special interest groups who authored 16 out of the 18 letters of support.

Representative Manning asked Senator Theresa Gavarone in her sponsor testimony why there were so many opponent letters for a bipartisan bill. Her response was "oh, it's just some people who are trying to get Ranked Choice Voting." I'm suggesting we start referring to "those people" as your constituents. The same constituents that voted for you to represent their interests. They are all Ohio taxpayers, *unlike those who submitted proponent testimony.*

To answer your question, Representative Manning, the message from opponents was varied, ranging from "it's simply a violation of home rule" to "I've used it in Maine and it was great" to "this bill is just unconstitutional". But in my opinion, the biggest flaw with this bill is the deception of the sponsor testimony, which is almost embarrassingly chock full of incorrect information. I will address some of these points as follows:

- **Kudos to Senator Brent, who correctly challenged Sen. Gavarone's explanation as to why we no longer have RCV in Ohio.** It was not ended by "fed up citizens". It was ended by "fed up KKK members and party bosses" who were flipping out by the fact that people of color were actually being elected.¹
- **The complaint of delayed election results that take days or weeks to settle.** Of 39 RCV elections in the past two years, 31 of them (79%) released RCV results on election day or the day after.² Critics call Alaska a "disaster" due to "delayed results" but don't mention that Alaska accepts mail-in ballots up to 10 days after the election. In New York City, absentee ballots can't be counted by law until after Election Day. Delayed election results are usually not flaws of RCV - they are expected outcomes based on state law.
- **Senator DeMora has stated repeatedly that RCV violates "one person one vote".** Federal courts have consistently upheld RCV as constitutional.³ We provided this information to Sen. Demora but he continues to repeat this claim.
- **Both sponsors repeatedly bemoan "exhausted ballots",** seen when a voter doesn't rank all the candidates available to rank. Both sponsors have implied your ballot will be thrown away if you don't rank everyone. This is nonsense. It is not the truth. Ranking every candidate is not required by law and is often made by choice, not by mistake.
- **According to Senator Gavarone, "past Ohio Supreme Court precedent" ensures this legislation in no way violates the home rule provisions of the Ohio Constitution.** After multiple requests for this case law, Gavarone's staff finally provided me a copy of the Members Brief on Municipal Home Rule and pointed to *Village of Newburgh Heights*⁴ where, in effect, the court ruled the state may REDUCE local government funds by the amount of traffic fines collected. Nowhere in *Village of Newburgh* does the court allow state government to punish municipalities by withholding **all** Local Government funds for any reason.
- **17 States have banned RCV.** None of those 17 states have EVER used Ranked Choice Voting. It wasn't banned because it was a "disaster"! It was banned because the same out of state special interest groups who have been here twisting the truth, is doing it everywhere else.

Incidentally, six of those states that banned RCV? Arkansas, Louisiana, Mississippi, Alabama, Georgia and South Carolina all use RCV for their military. When politicians in these six states claim RCV is so dangerous that no voter

should be allowed to use it — except for the tens of thousands of military voters who have used it without incident for years — they're admitting the truth: Ranked choice voting works.

I'm asking you to vote for your constituents by voting NO on SB 63,

¹ https://fairvote.org/the_forgotten_results_future_promise_of_ranked_choice_voting_in_ohio/

² <https://fairvote.org/79-of-jurisdictions-release-rcv-results-within-24-hours/>

³ <https://www.congress.gov/crs-product/LSB10837>

⁴ *Newburgh Hts v State*, 168 Ohio St.3d 513, 2022-Ohio-1642.

Jurisdiction	When are RCV rounds tabulated?
Alaska	More than one week
Albany, CA	Within 24 hours
Arden, DE	Within 24 hours
Arlington County, VA	Within 72 hours
Benton County, OR	More than one week
Berkeley, CA	Within 24 hours
Bloomington, MN	Within 24 hours
Boulder, CO	Within 24 hours
Burlington, VT	Within 24 hours
Cambridge, MA	Within 24 hours
Charlottesville, VA	Within one week
Corvallis, OR	More than one week
Easthampton, MA	Within 24 hours
Las Cruces, NM	Within 24 hours
Maine	Within one week
Minneapolis, MN	Within 24 hours
Minnetonka, MN	Within 24 hours
New York, NY	Within one week
Oakland, CA	Within 24 hours
Portland, ME	Within 24 hours
Portland, OR	Within 24 hours
Redondo Beach, CA	More than one week
San Francisco, CA	Within 24 hours
San Leandro, CA	Within 24 hours
Santa Fe, NM	Within 24 hours
St. Louis Park, MN	Within 24 hours
St. Paul, MN	Within 24 hours
Takoma Park, MD	Within 24 hours
Westbrook, ME	Within 24 hours
Salt Lake City, UT	Within 24 hours
South Salt Lake, UT	Within 24 hours
Midvale, UT	Within 24 hours
Milcreek, UT	Within 24 hours
Genola, UT	Within 24 hours
Lehi, UT	Within 24 hours
Payson, UT	Within 24 hours
Vineyard, UT	Within 24 hours
Woodland Hills, UT	Within 24 hours

Heber, UT	Within 24 hours
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