

March 21, 2025

The Honorable Skylar John Sutton
Hudson City Council, Ward 3
1140 Terex Road
Hudson, Ohio 44236

WRITTEN OPPONENT TESTIMONY OF SKYLAR SUTTON

Constituent of Ohio Senate District 28

Duly elected representative of the City of Hudson, Ward 3

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

Chairwomen Roegner, Vice Chair Gavarone, Ranking Member Blackshear and members of the Senate General Government Committee:

I submit the following as firm and unwavering opposition to SB63. This bill is an egregious violation of a municipalities "Home Rule Authority", a right guaranteed to us by Article XVIII Section 7 and Article XVIII Section 3 of the Ohio Constitution.

A bill analysis conducted by the Ohio Legislative Service Commission concludes that:

"... the Ohio Supreme Court has ruled that a municipal corporation or chartered county can use its home rule powers under the Ohio Constitution to conduct municipal or county elections using ranked choice voting "

While SB63 does not seek to explicitly ban local use of Rank Choice Voting (RCV), it does seek to strip all Local Government Funding for any municipality that chooses to use RCV for local elections. This effectively holds a municipality hostage to the will of the state and creates a de facto ban.

Previous state bills that reduce local funding have survived challenges at the Ohio Supreme Court, provided that the funding reductions are proportional to the activities of the municipality. For example, if a municipality generates \$10,000 in speed camera revenue, local funding could be reduced by a similar amount. This example retains Home Rule Authority, because a municipality does not face a net reduction in revenue, only a change in the source of the revenue ("from the state" vs. "from drivers").

SB63 differs in that it seeks to remove **all** local funding if Rank Choice Voting is implemented, not just funding associated with the act of conducting an election. This bill would likely not survive a challenge at the Ohio Supreme Court, as it seeks to dictate municipal policy via punitive measures, a violation of Home Rule Authority and Municipal Powers of Local Self Government:

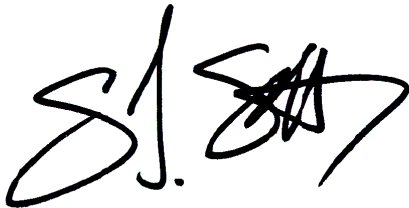
"... Subject to the requirements of Section 1 of Article V of this constitution, municipalities

shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.”

While I disagree with the following position, I recognize that the state retains the power to limit the use of Rank Choice Voting in state elections. Unfortunately SB63 does not limit its scope to state elections, rather it seeks to dictate the terms and format of a municipal election - a power the State of Ohio does **not** have. Whether or not Rank Choice Voting is appropriate for local elections is a choice each municipality is empowered to make for themselves.

As such, I recommend that SB63 be swiftly and promptly rejected due to the constitutional violations it contains.

Sincerely,

A handwritten signature in black ink, appearing to read 'S.J. Sutton' with a stylized flourish at the end.

The Honorable Skylar John Sutton