

Testimony in Opposition to Senate Bill 63

Marc Dann

Chair of the Charter Review Committee of the City of Lakewood

Chair Roegner, Vice Chair Gavarone, Ranking Member Blackshear my name is Marc Dann and I want to thank you for the opportunity to testify today on the importance of preserving the right of local charter governments in Ohio to adopt Ranked Choice Voting. As a former State Senator, Attorney General of Ohio and Chair of the City of Lakewood Charter Review Commission in 2024 I believe I bring a unique statewide and local perspective to the discussion of this issue.

At the outset, I want to make clear that I am testifying on my own behalf and not as a representative of the Charter Commission which ended its work and disbanded in July of 2024.

In addition, considering a number of other revisions last year, the members of the Charter Review Commission carefully studied all facets of Ranked Choice Voting (RCV). After conducting a series of meetings and weighing input from the public we concluded the advantages of the system far outweighed any risks and, by a vote of eight to one, recommended that city council place a charter amendment on the ballot that would implement RCV in elections for Mayor and City Council.

Benefits of Ranked Choice Voting for Lakewood

Our recommendation was based on several anticipated benefits:

1. **Ensuring Majority Support:** By requiring a candidate to secure a majority rather than a plurality of votes RCV ensures elected officials have broader support from voters.
2. **Eliminating Vote Splitting:** RCV allows voters to support their preferred candidate without fear of inadvertently helping their least preferred candidate win.
3. **Reducing Negative Campaigning:** Evidence from jurisdictions using RCV demonstrates the system tends to reduce negative campaigning as candidates seek to be voters' second or third choice.
4. **Cost Savings:** RCV can save municipal resource by eliminating the need for runoff elections,
5. **Increasing Voter Participation:** Data suggests RCV can lead to higher voter turnout and engagement.

Successful Implementation across the nation

More than 50 jurisdictions across the United States have successfully implemented RCV, including the states of Maine and Alaska. Other states, including Utah, New Mexico, and Colorado permit local jurisdictions to adopt the system and cities large and small in Texas, California, New York, Vermont, Maryland, Tennessee, Minnesota, Michigan, Massachusetts, and Virginia are using RCV.

I would also note that Arkansas, Mississippi, Louisiana, Georgia, Alabama, and South Carolina use RCV for military and overseas voting. The successful adoption of RCV in these diverse communities clearly demonstrates that it is an administratively feasible, voter-friendly system that strengthens our democracy and enhance public trust in our electoral process.

Local Decision-Making Should Be Respected

My opposition to this bill is also driven by the fact that it undermines the principle of local governance and Ohio's proud tradition of Municipal Home Rule. Our Charter Review Commission spent hundreds of hours examining various voting methods, analyzing their strengths and weaknesses, and speaking with Lakewood residents before recommending RCV. Those residents should have the power to decide if our recommendation is adopted. Unfortunately, this legislation would rob them of that power and replace their judgement with that of the General Assembly.

In addition, the diminution of home rule authority proposed by the bill is particularly egregious. As the Ohio Supreme Court has stated, that authority "relates solely to the government and administration of the internal affairs of the municipality," specifically extends to determining the qualifications for election to municipal office, but does not give municipal corporations the power to regulate activities *outside* their borders.

Our proposed RCV amendment clearly falls within Lakewood's home rule authority: it relates solely to the internal affairs of the city, it sets qualifications for the election of Lakewood's municipal officials, and it does not affect any other entity. On that basis alone the residents of Lakewood should be allowed to determine the form of their municipal elections free from interference by the General Assembly.

Finally, I oppose the bill because it flies directly in the face of Supreme Court Justice Louis Brandeis' admonition that "a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country." Indeed, during the progressive era cities across the state, including Ashtabula, Cleveland, Cincinnati, Hamilton, and Toledo experimented with CRV. The citizens of Lakewood,

and they alone, should have the right to decide if their city should host the type of laboratory that Brandeis envisioned and that groups across the political spectrum, including the American Enterprise Institute, the State Policy Network, and Common Cause support. By preemptively prohibiting RCV, this legislation would stifle local innovation and deny voters the opportunity to embrace potential improvements to our democratic process.

Conclusion

I urge this committee to oppose this bill and thereby respect the right of residents of Lakewood and other municipalities to select the election system they believe is best for them. The recommendation of our Charter Review Commission was made after careful study and with the best interests of Lakewood residents in mind. We should be encouraging rather than rejecting democratic innovation at the local level.

Thank you for your consideration. I am happy to answer any questions you may have.

Marc Dann

mdann@dannlaw.com

216-452-1026