

Opponent Testimony against Senate Bill 63

Ohio Senate General Government Committee

Kyle Herman, Stow City Council At-Large

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March 25, 2025

Dear Chair Roegner and Members of the General Government Committee,

My name is Kyle Herman, and I am testifying in my personal capacity and in my role as an At-Large Member of City Council in Stow, where I represent nearly 35,000 constituents.

One of the reasons I ran for office is because I care deeply about democracy. When I graduated from Ohio Wesleyan in 2011, I moved to Beirut, Lebanon to teach history and civics at a high school founded by British Evangelicals in the mid-1800s. It was near the beginning of the Arab Spring, and I had this naive idea that my career would involve helping the United States support democracy in the Middle East, not through wars, but through diplomacy and development. I earned my Master's in Public Policy at the Harvard Kennedy School of Government, and in 2015 I moved to DC for an internship with the House Foreign Affairs Committee, but I was disgusted by the division and dysfunction I saw on Capitol Hill. It was nothing like how I taught my students government was supposed to work or how I learned policymaking was supposed to work at Harvard. DC wasn't like The West Wing, it was like Veep. Congress was full of people who knew what they were doing was wrong and corrupt, but they did it anyway because our current electoral system incentivizes serving wealthy elites and party bosses at the expense of people they're supposed to represent.

It was also in 2015 that I learned how Ranked Choice Voting could change the incentive structure by allowing more parties and independent candidates to run, while incentivizing them to cooperate for the common good by requiring a *majority* to win through the instant runoff process. There was a Harvard Law School professor named Lawrence Lessig who ran a campaign called "Fix Democracy First" to draw attention to the fact that all the major issues bogged down in politics were either going to remain stuck, or dictated by corrupt special interests, unless or until we addressed deeper structural issues like campaign finance, gerrymandering, and Ranked Choice Voting. Lessig's goal was to get onstage for the primary debates to highlight these issues and press other candidates on them, and he hit the poll numbers to qualify – but the Democratic Party didn't let him debate.

The last 10 years show that Lessig was right. We've seen a global democratic backsliding involving polarization, extremism, and political violence, including here in the United States, where the rich exploit our system to keep getting richer at our expense. But Maine and Alaska passed Ranked Choice Voting and have been able to elect some of the most independent-minded senators and representatives in the country. Ranked Choice Voting gives us something we desperately need – hope that a better system is possible.

In 2020, the growing success of Ranked Choice Voting in states and cities across the country inspired a small group of Ohioans who mostly connected over Facebook to start Rank the Vote Ohio as a nonpartisan nonprofit to educate other Ohioans about RCV. For our first two years, we were all volunteers. My full-time job was managing democracy programs in Iraq and Lebanon for the National Democratic Institute for International Affairs. In October 2022, I went to Iraq with members of the U.S. Congressional Research Service to conduct trainings for the Iraqi Parliament, and in Iraq I talked with a former Congressman from

Ohio, who was also a former Member of the Ohio General Assembly, about the state of democracy back home with scandals like the HB6 FirstEnergy bribery and the partisan gerrymandering, and he explained to me how back before the 2010 redistricting cycle, it was the Democrats who sabotaged redistricting reform because they selfishly thought they could maintain power. We were in Iraq to try to support democracy there, but he told me democracy in *Ohio* was “a lost cause.” But I wasn’t ready to give up on Ohio.

In November 2022, I told Rank the Vote that I couldn’t keep up as a volunteer, so they hired me as their first and only full-time employee in Ohio so that I could serve as Executive Director for Rank the Vote Ohio until I stepped down in the summer of 2024, and that was my position when I testified before this Committee a year ago against the previous version of the RCV Ban Bill (introduced in 2023 as SB 137) and I encourage you to read and watch all of the opponent testimony from last year. It’s just shocking to me how proponents of SB 63 continue to mislead this Committee by misrepresenting the facts even though they have been corrected – both privately and publicly – numerous times by credible sources. I know Rank the Vote Ohio shared some of these sources with Committee Members in a follow-up to your February 26 hearing (Appendix A). I also hope that you will read the testimony from FairVote about what really happened in the Alameda County, California election that was discussed at your last hearing, which was the result of human error and *not* Ranked Choice Voting. It was FairVote that identified the error, and it could have easily been prevented if Alameda County had followed the advice of FairVote and the RCV Resource Center.

Last summer, I negotiated with Rank the Vote to change my job responsibilities and cut my income so that I could pass the torch of leadership to Denise Riley so that I could be free in my capacity as a City Councilman to advocate for democracy and human rights even though democracy and human rights are somehow seen as partisan nowadays. The real work I do and have done for Ranked Choice Voting has been as a volunteer, including today, just like everyone else from Rank the Vote Ohio, which is a stark contrast from the proponents of Senate Bill 63, who were paid lobbyists from interest groups that are funded by out-of-state special interests including Illinois billionaire Dick Uihlein, who happens to be a benefactor for certain Ohio politicians.¹

The more I get involved in politics, the more disillusioned I am when I see bills like S.B. 63 that are pushed to appeal to megadonors in an effort to restrict our freedoms, instead of bills that would actually help my constituents. Which is exactly why we need Ranked Choice Voting to help liberate our system from party bosses and corrupt special interests. Our current system forces politicians to serve a small group of elites if they want to advance. But I will not bend the knee to billionaires, and I don’t care if it hurts me politically. I will defend the City of Stow and our residents from any attempt to steal our powers of local self-government.

I am joined by the Mayor of Stow, John Pribonic, and a growing number of local elected officials from across Ohio in signing a bipartisan letter (Appendix B) opposed to Senate Bill 63.

This is a nonpartisan issue regardless how you feel about Ranked Choice Voting. As Barberton Councilman Thomas Heitic, who happens to be a Republican, told me, “I disagree with ranked choice voting. However... Home rule is sacred to me, and threatening to withhold funding (which has already been slashed away) is tantamount to extortion.” I encourage you to read the testimonies submitted by other local elected officials, including Hudson Councilman Skylar Sutton, who also happens to be a Republican and who has supported Ranked Choice Voting for years because RCV solves a problem with pick-one plurality-wins elections in Hudson where a Council race was won with only 38% of votes in a four-way race even though the winner was unpopular with the majority of the electorate.

¹ <https://documented.net/reporting/ranked-choice-voting-is-magas-latest-target>

As I wrote to all the Committee Members in a letter (Appendix C) sent to you and your offices on February 28 of this year, charter cities like Stow and Hudson have convened our Charter Review Commissions to seek citizen input and recommend best practices so that we can exercise our powers of self-government as enumerated by the Ohio Constitution. How we elect our own leaders is a core function of local self-government, and good governance groups like the National Civic League recommend Ranked Choice Voting as a best practice in their Model Charter. Stow's Charter Review Commission may or may not recommend Ranked Choice Voting. Stow's City Council may or may not vote to put Ranked Choice Voting on the ballot. Stow's voters may or may not vote to use Ranked Choice Voting. But Home Rule says that decision should be made by Stow, and not imposed on us with a gun to our heads threatening to steal our local government funds if we use a constitutional form of government.

The Sponsor of Senate Bill 63 even acknowledges the Ohio Supreme Court has ruled that Ohio cities have a constitutional right to use Ranked Choice Voting (*Reutener v City of Cleveland*), which is why Senate Bill 63 weaponizes local government funds to coerce cities to surrender Home Rule. There is no doubt that Senate Bill 63 goes against the Spirit of the Ohio Constitution, no matter how much the bill may try to justify attacking Home Rule by making false equivalencies to the state's confiscation of "traffic camera fines."

I asked questions in my February 28 letter and requested a response or an opportunity to speak with you. I didn't hear back from anyone, but I'm grateful for the chance to speak with you now and state my questions for the record:

- 1) Sec. 3505.011 (B) of S.B. 63 (line 249) would make a city ineligible to receive Local Government Funds (LGF) if the municipal corporation "has, by resolution or ordinance, approved the use of ranked choice voting" -- but is a charter amendment considered a "resolution or ordinance" or does S.B. 63 permit cities to amend their charters without coercion?
- 2) If Stow's Charter Review Commission recommends a constitutional election method such as Ranked Choice Voting, or if a citizen initiative puts an amendment on the ballot, would S.B. 63 jeopardize Stow's local government funds?
- 3) If so, why should the State penalize a City if its voters vote to use a constitutional election method?
- 4) Wouldn't S.B. 63 stifle innovation and violate the spirit of Home Rule as enumerated by the Ohio Constitution?

Thank you, Chair Roegner, for allowing me to speak today, and for asking thoughtful questions during the previous hearings. I hope that you and your colleagues will take time to study all of the testimony and communications before you vote, and I welcome the opportunity to respond to your questions.

Thank you,

Kyle Herman

Stow City Council At-Large

Book recommendations:

- 1) Barber, Kathleen. "[Proportional Representation and Election Reform in Ohio](#)." Ohio State University Press, 1995.
- 2) Bardach, Eugene. "[A Practical Guide for Policy Analysis](#)." Sage Publications, 2012.



Responses to claims about Ranked Choice Voting during the February 26, 2025 Ohio Senate General Government Committee Hearing on Senate Bill 63

Sponsor testimony for [Senate Bill 63](#) ("Prohibit use of ranked choice voting; withhold funding for use") was given by Senator Theresa Gavarone and Senator Bill DeMora on February 26, 2025 ([written testimony here](#), [video here](#)). The following points respond to claims they made and provide additional context and educational resources:

1) Senator Gavarone is correct that [ranked choice voting \(RCV\)](#) allows voters to “rank candidates in order of their personal preference instead of choosing just one.” This makes elections more free and fair by giving voters more freedom to express their true preferences instead of artificially limiting voters' choices under Ohio's current pick-one plurality-wins system.

2) Senator Gavarone is correct that the Ohio Supreme Court recognized Ohio cities' constitutional right under Home Rule to use RCV [in 1923](#) (and again [in 1951](#)). RCV was used by [Ashtabula, Cincinnati, Cleveland, Hamilton, and Toledo](#), but as [political scientist Kathleen L. Barber documented](#), it was repealed because the corrupt party bosses of the time wanted to consolidate power, so they [exploited racist attitudes](#) in attempt to prevent minorities from gaining proportional representation. This included “widespread word-of-mouth rumor-mongering” [in Cincinnati](#) that “if [RCV] is retained, a Negro will be the next mayor.”

3) Unlike Ohio's current pick-one plurality-wins system, RCV improves election integrity and voter confidence by requiring a majority to win through an instant runoff. Contrary to the claim that RCV “distorts election outcomes,” RCV has been used successfully statewide in Maine and Alaska, and in dozens of cities across the country, to give voters more truly representative outcomes that reflect the will of a *majority* of voters. Just last year, a crowded race in Ohio was won with [only 25% of votes](#). Some states like Georgia and [some Ohio cities like Ironton](#) have attempted to solve this problem with traditional runoffs, which are far more expensive, time-consuming, and result in lower turnout than instant runoffs with RCV.

4) Instant runoffs with RCV are [cheaper, faster, and more efficient](#) than traditional runoffs, as former Georgia State Rep. Scot Turner testified on February 21, 2024 ([written testimony here](#), [video here](#)). Most RCV jurisdictions – including cities in Utah, Minnesota, and California – [release preliminary results the night of or day after the election](#). Where results have been slower ([like Alaska](#)), it has been a result of state policy and choices made by local election administrators to allow time for absentee ballots to arrive – not because of RCV.

5) Evidence suggests RCV may help increase turnout and has not been “proven to decrease voter turnout.” Studies have shown that [RCV led to a 10% increase in voter turnout](#) in cities that have used it for several cycles, such as Minneapolis and St. Paul. While some critics claim that RCV decreased turnout in Alaska, [this claim has been debunked](#). In 2022, [Maine had the highest turnout of all 50 states while using RCV](#).

6) Senators Gavarone and DeMora are correct that some partisan Democrats and Republicans both oppose RCV, but they do so in order to suppress competition at the expense of other Democrats, Republicans, Independents, and Third Parties. The Governor of California vetoed legislation for RCV in 2019 because he and his party benefit from limiting competition, which [results in perverse incentives to support spoilers](#) instead of voting honestly. Similar to how both parties have exploited gerrymandering, partisans from deep blue districts and deep red districts tend to oppose RCV because they prefer one-party rule for themselves.

7) Most voters, local elected officials, and election administrators in Arlington, Virginia support RCV and want to keep using it. Liz White of UpVote Virginia [submitted testimony last February](#) countering claims repeated in this year's sponsor testimony that are based on an "outdated narrative." Senator Gavarone cited an [unscientific Patch.com survey](#) that was open to anyone from outside Arlington, and Senator DeMora referred to another [unscientific survey that had less than half the number of respondents](#) than a previous survey, though a plurality of 49% still said they wanted to use RCV in very election, compared to only 39% who did not want to use RCV. Arlington County Registrar Grethchen Reinemeyer even warned that such data was "unscientific" ([2:41:37 into this video](#)). Election staff reported that most voters did not require assistance beyond the ballot language, and the few voters who did need assistance "often needed assistance with the whole ballot" – indicating that RCV was no more confusing than traditional election methods. [Methodologically-sound exit polls](#) showed 88% of Arlington voters agreed RCV was "easy" and 67% wanted to keep using RCV. This month, [Arlington's County Board voted 4-0 to keep using RCV](#). While some Arlington officials have questioned the amount of funding that should be allocated to voter education about RCV, an important difference between Virginia and Ohio is that Ohio cities can only enable RCV through charter amendment, which requires a public referendum for voters to vote on whether they are ready to use RCV.

8) Stealing Local Government Funds (LGF) from cities that use RCV would violate the letter and spirit of the Home Rule provisions of the Ohio Constitution. While [S.B. 63](#) attempts to cite "traffic camera fines" as precedent for withholding LGF, a budget-neutral mechanism to deter a specific police power that falls under "general laws" is in no way comparable to withholding *all* LGF in attempt to subvert [Home Rule](#). [Ohio Supreme Court precedent](#) has affirmed that "the state may not restrict the exercise of the powers of self-government within a city." S.B. 63 would cause discriminatory disparities by arbitrarily punishing Charter Cities if their voters vote to use an election method that has repeatedly been upheld as a constitutional power of self-government.

9) Senator DeMora is correct that RCV allows more candidates to run without fear of spoilers in cities like Portland, but voters are not forced to rank more than one candidate. RCV simply gives voters the option to rank multiple back-up candidates to increase the likelihood their votes will count in an instant runoff. Perhaps instead of assuming that the average Bob and Betty Buckeye are incapable of ranking more than one choice, the Committee should ask whether the state should be trying to financially punish cities where Bob and Betty Buckeye could vote to give themselves the freedom to rank more than one choice?

10) Senator DeMora is correct that "democracy is about clear, decisive results," but results are not clear or decisive in our current pick-one plurality-wins system if a candidate can win with only 45% even if 55% of voters prefer another candidate. RCV would solve the problem that Senator DeMora identified: If one Republican wins 45% in a race against three Democrats, or if one Democrat wins 45% in a race against three Republicans, the instant runoff process would allow votes to count for whichever

candidate is most capable of winning a majority, regardless of party, instead of disenfranchising 55% of voters.

11) All voting machines currently used in Ohio are used to implement RCV in other states; computer systems would simply require a routine software update to be RCV-capable. Representatives from [FairVote](#) met with the Ohio Association of Election Officials (OAE) Legislative Committee in November 2023, and a representative from the [RCV Resource Center](#) joined them at the OAE Winter Conference in 2024 to offer assistance adapting to RCV, as they have in other states, for Ohio cities that choose to exercise their right to use RCV.

[Rank the Vote Ohio](#) is a volunteer-driven nonpartisan nonprofit organization for public education about RCV in support of our mission “to give voters greater choice, a stronger voice, and a representative democracy that works for all Ohioans.” As of February 2025, we have more than 20,000 registered supporters from throughout our state. We give free presentations and consultations to groups that are interested in RCV, and we can help provide information and connections to partners who can assist with implementation. To learn more, please visit [RankTheVoteOhio.org](#) or email us at info@rankthevoteohio.org.

Appendix B: Open Letter from Local Elected Officials to Protect Home Rule in Ohio

As local elected officials, we understand the importance of protecting [Home Rule](#) as enumerated by the Ohio Constitution, which gives charter cities and counties “all powers of local self-government.” For more than a century, the Ohio Supreme Court has upheld the fundamental rights of charter cities and counties to organize our own governments, including how we elect our own leaders.

A city’s charter is its constitution. Ohio cities of all sizes, from Munroe Falls to Columbus, routinely appoint charter review commissions to propose amendments to our charters in accordance with best practices, and in response to citizen feedback, to address the unique needs of our communities. Charter amendments can also be proposed by councils or citizen ballot initiatives for ratification by voters. The spirit of Home Rule reflects the foundational American principle that government closest to the people is most accountable, which is why state and local governments have long been known as “laboratories of democracy.”

Senate Bill 63 ([SB 63](#)), as introduced in January 2025, would set a dangerous precedent by withholding all local government funds from any county or municipal corporation that has “approved” a constitutional election method to uphold majority rule. “Ranked choice voting” (RCV), also known as “instant runoff voting,” has repeatedly been upheld as constitutional [by the Ohio Supreme Court](#). Several charter review commissions in Ohio [have recommended RCV in recent years](#) as it has become more popular nationally and is promoted as a best practice by experts, including in the [National Civic League’s model charter](#).

Regardless how individuals feel about RCV, the withholding of all local government funds to violate Home Rule is unprecedented. While SB 63 refers to “traffic camera fines” as a case where the state adjusted local government funds to prevent cities from profiting from traffic cameras, the state only withheld funds equal to the revenue generated by the fines, which served as a budget-neutral deterrent for a specific police power of enforcement. By contrast, SB 63 threatens to subvert the Ohio Constitution by holding all local government funds hostage unless a city surrenders one of the most fundamental powers of local self-government – how we elect our own leaders.

As local elected officials, we object to SB 63 and any attempts to weaponize local government funds to coerce charter cities and counties to give up our powers of local self-government.

(The following list includes signatories as of 1pm, March 24, and will be [updated here](#). Additional signatories may contact Stow City Councilman Kyle Herman at hermanforstow@gmail.com to add their names)

Jack Amrhein, Kent City Council - Ward 2
Chuck Bonacci, Twinsburg City Council - Ward 1
Merisa Bowers, Gahanna City Council President
Brenda Fry, Riverside City Council
Thomas Heitic, Barberton City Council At-Large
Kyle Herman, Stow City Council At-Large
Chris Hook, Kent City Council - Ward 5
Zachary Joseph, Riverside City Council
Michael Kozak, Grandview Heights City Council

Nicole Kowalski, Hudson City Council At-Large
David Licate, Summit County Council - District 3
Kaylee Padova, Gahanna City Council
Jim Petras, Cleveland Heights City Council
John Pribonic, Mayor of the City of Stow
Skylar Sutton, Hudson City Council - Ward 3
Cynthia Vermillion, Hilliard City Council
Denise Walker, Grandview Heights City Council
Ross Widenor, Munroe Falls Council President

Appendix C: Letter to Ohio Senate General Government Committee



Kyle Herman, At-Large Councilman

3760 Darrow Road
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330.689.2800

February 28, 2025

Dear Chair Roegner and Members of the Senate General Government Committee,

I watched your February 26 Hearing with sponsor testimony about [Senate Bill 63](#), and I am concerned that S.B. 63 would harm my city and others by weakening the Home Rule Authority granted to charter cities by the Ohio Constitution.

The Home Rule provisions of the Ohio Constitution (Sections 3 and 7 of Article XVIII) recognize municipalities' authority to exercise "all powers of local self-government." As Senator Gavarone testified, more than a century of Ohio Supreme Court precedent has upheld charter cities' right to decide how we elect our own leaders, including with ranked choice voting (RCV). S.B. 63 would subvert the Ohio Constitution by threatening to withhold *all* Local Government Funds (LGF) if a city adopts a constitutional election method. Every elected official in Ohio should be concerned by the precedent this would set for the State to take away *all* powers of local self-government.

Stow's LGF are taxes paid by our residents that the State returns to our City for basic public services. Under S.B. 63, the State would take those tax dollars from our residents and hold them hostage unless our City agrees to give up our powers of local self-government. This is plainly coercive.

Stow's Charter is our Constitution. Like other cities, Stow convenes a Charter Review Commission every five years to seek citizen input, study best practices, and recommend amendments to go before voters. Good governance groups recommend RCV as a best practice, including the National Civic League's latest model charter. If Stow's Charter Review Commission recommends RCV, or if a citizen initiative puts an amendment for RCV on the ballot, would S.B. 63 jeopardize Stow's LGF? If so, why should the State penalize a City if its voters vote to use a constitutional election method?

This unprecedented economic dragooning strikes at the heart of local self-government. S.B. 63 tries to invoke LGF adjustments for traffic camera fines as precedent, but traffic cameras fall under "general laws" and are not core "powers of local self-government" like local elections. Plus the LGF adjustments for traffic cameras were budget-neutral because they only took the revenue from the fines – whereas S.B. 63 would blatantly extort cities by withholding *all* their LGF (which differs from city to city).

Regardless how anyone feels about RCV, the concept of Home Rule includes the right for cities to use a constitutional election method to choose their own leaders. Some methods may be better than others, but that's how cities learn from each other as laboratories of democracy. Wouldn't S.B. 63 stifle innovation and violate the spirit of Home Rule as enumerated by the Ohio Constitution?

I would appreciate a response or an opportunity to speak with each of you.

Thank you,