

Senate Bill 53  
Proponent testimony  
March 2nd, 2021

Chairman Gavarone, Vice Chair O'Brien, Ranking Member Maharath and members of the Senate Local Government and Elections Committee, thank you for the opportunity to provide proponent testimony on Senate Bill 233. If passed, SB 233 will amend the ambiguous language and protect the intent of Ohio Revised Code 3513.04 and will prevent a repeat of the codified voter suppression and disenfranchisement of voters as took place on June 4, 2019 in Lorain, Ohio.

Honorable representatives, my name is Mary Springowski. I currently hold the position(s) of senior Council At Large (by virtue of vote count and unbroken tenure on council) as well as President Pro Tempore of Lorain City Council.

I am testifying in support of the clarifying language found in SB53, which will correct any possible ambiguities which might be perceived to exist in the current version of the state statute as a quote, unquote "victim" of misinterpretation of this statute.

I believe my testimony has considerable relevance. The citizens of Lorain were dealt a grievous injustice by this interpretation of the statute which is also referred to as the "sore loser law". It might be referred to as the "sore loser law" but the 5 candidates who were disqualified all had one thing in common, they were all winners in their races in which they had taken part in during the primary. Ironically, because of this gross misinterpretation of the statute, the only beneficiary was the person who was named as the interim mayor who, incidentally, was the only person to have lost his election during the primary.

The misinterpretation was originally rendered by the Lorain County Prosecutor's office (Assistant Prosecutor Gerald Innes along with some documentation from the desk of Assistant Prosecutor George Koury who was the former safety service director of the then named interim mayor) and was based on information provided by the Democratic County Party Chairman and supported by the Director of the Lorain County Board of Elections.

At this point, let me provide some important background information:

On May 7<sup>th</sup>, 2019 a primary was held whereby the incumbent mayor was reelected without opposition. On May 9<sup>th</sup>, 2019, the incumbent mayor and Democratic candidate for mayor resigned his position to take employment in the private sector. This left a vacancy on the ballot for the Democratic candidate. 6 people turned their names in to indicate that they wished to fill the vacancy on the ballot. This group included 3 successfully elected council at large candidates, the successfully elected council president and the successfully elected city auditor as well as former state representative Dan Ramos. At this point, I would point out that I was the top vote getter in the highly contested council at large race. The council president and auditor were both uncontested races. The city party central committee would vote as to who would replace the outgoing mayor for the unfulfilled term and on the ballot for the general election. The question was asked of the Secretary of State's office that if one of the council at large candidates was chosen by central committee, could the next person in the vote count then be appointed to take their spot on the ballot for council at large. At that point, and quite rightly under the statute, the answer was no as that person had been unsuccessful in the primary election. This answer then lead to the rationalization to disqualify 5 of the 6 candidates seeking to fill the vacancy despite the fact that they had won their respective primary elections. I do not believe that this was the intent of the author

of the original bill, to have it so grossly and poorly interpreted and manipulated in such a manner. We then appealed the ruling to the board of elections which was summarily denied. In calling the secretary of state's office to request further information regarding the interpretation, we were told that this was all done via phone call, there was no written correspondence and that it was only in correlation to replacing a council at large candidate with a candidate who had been unsuccessful in his primary election. In a nutshell, what happened was that the people who won their respective races were disqualified and the person who lost their race was named interim mayor all under this so called "sore loser law".

Again, I do not believe that this was the intent of the author and in actually reading the entire statute, which I don't believe the interpreting attorney bothered to do, it is clear that this was merely to try to stop someone who had lost their election from running as a candidate with a different party or as an independent or write in candidate. I don't believe it was ever meant to disqualify highly qualified, highly eligible candidates from filling a vacancy nor was it ever meant to disenfranchise an entire community as it did this past spring.

I would strongly urge you to consider the language of SB233 and see that whereas it cannot right the grievous wrong that was done to the voters of Lorain, Ohio, it does seek to prevent it from ever happening again.

I would like to thank Chairman Gavarone, Vice Chair O'Brien, Ranking Member Maharath and members of the Senate Local Government and Elections Committee and especially Senator Nathan Manning for allowing me this opportunity to speak and for their consideration on this matter. If there are any questions from the Committee, I am happy to answer them at this time.

Respectfully,

Mary Springowski  
Lorain City Council At Large  
Lorain, Ohio