



Senator Theresa Gavarone

2nd Ohio Senate District

Sponsor Testimony for Senate Bill 80

Senate Local Government and Elections Committee

March 2, 2021

Vice Chair O'Brien, Ranking Member Maharath, and members of the Senate Local Government and Elections Committee, I am happy to be before you today to speak on behalf of Senate Bill 80, legislation sponsored by Senator Cirino and myself that would provide additional transparency for Ohioans by requiring certain judicial candidates to have their partisan affiliation listed on the general election ballot.

As you may know, Ohio is the **ONLY** state in the country that has partisan primary elections for judicial races, but "non-partisan" general elections. Ohio's flawed process for selecting judicial candidates was described by former Ohio State University Moritz College of Law Professor and current Dean of the University of Wisconsin Law School Daniel Tokaji as "the absolute worst one of all".¹

By allowing the current process to continue for judicial races, particularly those for the Supreme Court, we are at worst deliberately keeping up with the ruse that these elections are not partisan and at best pretending our constituents do not care about the partisan affiliation of the judges on their ballot.

To be clear, these judicial races are partisan— in reality because in order to get to the general election a candidate must win a partisan primary and in perception because, right or wrong, both the state and local Republican and Democrat parties endorse candidates in judicial races and spend a lot of time and resources to get their preferred candidates elected.

The major reason I introduced this legislation is because I want voters to have as much information as reasonably possible before they cast their ballot. Right now judicial races are shrouded in mystery to many voters because they see party affiliation listed for nearly every other race on their ballot, but not for judges. I am sure everyone on this committee has been asked at one time or another by a voter who the Republican and who the Democrat is for a particular judicial race. Why should voters have to ask around for that information instead of having it readily available on their ballot?

¹ Ohio's Judicial Races are Non-Partisan In Name Only, Expert Says- <https://www.dispatch.com/news/20171020/ohios-judicial-races-are-nonpartisan-in-name-only-expert-says>

And the numbers back up the notion that voters are not voting in judicial elections the same way that they do for partisan elections, including our own State Senate races. A little analysis of Ohio's 2020 official voting results on the Secretary of State website showed that more than ONE MILLION electors who voted in a Presidential, Congressional, General Assembly or County race last year did not vote in either or both of the Supreme Court races.

Some may be comfortable with that, but I am deeply troubled with those numbers.

I would like to note for the committee that this is a bipartisan issue. So much so that just last year a Republican and a Democrat in the House joint sponsored similar legislation to eliminate the ruse that judicial races are non-partisan.

Quite simply, I believe voters deserve transparency in judicial elections. I look forward to working with both my Republican and Democrat colleagues in the House and Senate to get either this legislation or the House companion version across the finish line so that voters will have this information at their disposal as quickly as possible.

Vice Chair O'Brien and members of the Local Government and Elections Committee, I am happy to have the opportunity to address you today about the important issue Senate Bill 80 seeks to solve and I would be happy to answer any questions members of the committee may have.