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Local Government and Elections Committee
Senate Bill 80
Interested Party and Proponent
Verbal and Written Testimony
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Chair Gavarone, Vice Chair O'Brien, Ranking Member Maharath, and members of the Local Government and Elections Committee, thank you for this opportunity to testify about Senate Bill (SB) 80, both as an interested party and proponent of the bill.

My name is John C. Green and I am Director Emeritus of the Bliss Institute at the University of Akron. Over the last decade, my colleagues and I have done extensive research on Ohio judicial elections. We concluded that the public's view of Ohio courts is diminished by the fact that fewer Ohioans vote for judicial candidates than for other kinds of candidates, and further, that voter participation in judicial elections can be increased by providing relevant information to voters.

From 2015 to 2020, the Bliss Institute has hosted the *Judicial Votes Count* website (<https://judicialvotescount.com/>) in partnership with Ohio Supreme Court, the League of Women Voters of Ohio, the Ohio State Bar Association, Ohio News Media Association, and the Ohio Association of Broadcasters.

Analysis of *Judicial Votes Count* impact suggests that it has been successful within the context of the existing system of judicial elections. However, the effectiveness of projects such as *Judicial Votes Count* will be enhanced by the adoption of SB 80.

An important reason for the relative lack of voter participation in Ohio judicial elections is a unique feature of our system: many judicial candidates are nominated in *partisan* primary elections but then are designated as *non-partisan* candidates on general election ballots. This inconsistency confuses many voters and denies all voters information on the party affiliation of judicial candidates—a fact provided on the general election ballot for other candidates nominated in Ohio partisan primaries.

Greater factual transparency alone is a good reason for resolving this disparity on general election judicial ballots. But it is also a well-established fact that many voters find candidates' party affiliation useful when deciding to cast their ballots. Overall, knowledge of a candidates' party is most valuable to voters with various kinds of limitations, including those who are young, less affluent or educated, and members of minority groups.

Intricacies of Ohio election law exacerbate this information problem: all designated non-partisan candidates are placed toward the bottom of the general election ballot. So, for example, the Chief Justice of the Ohio Supreme Court is not found on the same portion of the general election ballot with other state offices which are functionally equivalent, such as the Attorney General or Secretary of State. This pattern also confuses voters, inadvertently communicating that these state offices are only of local interest.

The negative impact of these features on voter participation in judicial elections is clear. For example, in 2020 the number of votes cast for the designated *non-partisan* Supreme Court candidates was just 82 percent of all the ballots cast in the election; the comparable figure for designated *non-partisan* Court of Appeals candidates was 68 percent. In contrast, ballots cast for the designated *partisan* candidates for the U.S. and Ohio House of Representatives were far greater, respectively, 96 and 92 percent of all ballots cast.

A similar pattern occurred in the 2018 election: ballots cast for designated *non-partisan* Supreme Court and Court of Appeals candidates was 79 and 74 percent of all ballots cast, which was far less than the designated partisan offices of Secretary of State (97 percent), U.S. House of Representatives (98 percent), and Ohio House of Representatives (95 percent).

SB 80 addresses these problems by requiring that the party affiliation of Supreme Court and Court of Appeals candidates nominated via partisan primaries be provided on the general election ballot, and at the same time, revising the order of offices on the general election ballot, so that Supreme Court and Court of Appeals candidates appear alongside candidates for functionally equivalent non-judicial offices.

These changes will provide voters with useful information for voting in judicial elections and this information will lead to increased voter participation in judicial elections. Over time, these changes may also encourage an increase in contested judicial elections, competitive races, and media coverage of judicial campaigns. These expectations are supported by data from other states with partisan judicial elections.

In sum, SB 80 offers a practical solution to a real problem in an otherwise excellent judicial system.