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TO: House Constitutional Resolutions Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: April 19, 2023
RE: House Joint Resolution 1 – Opponent testimony

To Chairman Plummer, Vice Chair Hillyer, Ranking Member Mohamed , and members of the House Constitutional Resolutions Committee, thank you for this opportunity to provide opponent testimony on House Joint Resolution 1.

The ACLU of Ohio opposes HJR 1 for the simple reason supporters of this measure have not effectively made a compelling case for why Ohio’s ballot initiative process requires these proposed restrictions.

To be clear, we do not think effective arguments exist to be made for such sudden and radical changes. Ohio’s current ballot initiative process is burdensome and expensive. Should a campaign qualify for the ballot, the process becomes even more complex and expensive, with Ohio’s robust mix of urban, suburban, and rural audiences and locations, and local media markets spread across the state.

All this is precisely why few embark on attempts to change law and policy via the current ballot initiative process and why fewer than that ultimately succeed.

However, HJR 1 purports Ohioans have too much ability to direct their rights and realities and seeks the following, additional restrictions:

- Changing the voter threshold for ballot initiative approval from 50% +1 of voters to at least 60%;
- Changing the amount of required signatures to place a matter on the ballot from at least 5% of all voters (in the most recent governor election) in 44 counties to at least 5% in all 88 counties;
- Eliminating the 10-day “cure” period whereby those submitting signatures for ballot initiatives can submit additional signatures, if needed, when they fall below the required number because of rejected signatures.

As happens so often with voting bills before the General Assembly over the years, proponents point to other states with less freedom and more restrictions as states to idolize and as a reason to change Ohio law to make us equally bad, if not far worse, than any number of our 49 counterparts. Indeed, this “justification” has arose regarding HJR 1. As if there is an inherent problem should Ohio someday dare lead the nation, or be among the leaders, in empowering its people on matters they want to address or change.

Anyone who has worked on a ballot initiative campaign at virtually any level knows the most burdensome requirement is the aforementioned signature requirement applicable to 44 of Ohio’s 88 counties. Anyone who says the current process is too easy, or does not demonstrate enough support, has never tried to track down signatures on a rainy Tuesday in a Preble County Walmart parking lot. Requiring potentially hundreds of thousands more votes is bad enough. Eliminating the cure period in a state where many often move residences and are unnecessarily purged from voter rolls is even worse. But the switch from 44 to all 88 counties guarantees the only campaigns that will qualify for the ballot are the very richest ones. Of course, this is totally contrary to supporters’ contentions HJR 1 somehow protects against well-heeled, out-of-state “special interests.” Those same out-of-state special interests that are welcome to donate money to political campaigns and political parties, lobby legislators, and draft legislation but now must be stopped. Or at least stopped from fully supporting ballot initiatives HJR 1 supporters oppose.

That is the heart of the HJR 1 matter (and SJR 2, HB 144 and SB 92) - ballot initiatives some legislators personally oppose. We can all discuss and debate soda taxes, casinos, former House speakers, monopolies, and every other reason cooked up by proponents. But Ohioans know, and very few supporters are left pretending, this involves anything but abortion and gerrymandering.

HJR 1 is a terribly unfair and undemocratic proposal on its best day. On all the other days, it is a rapid, reckless attempt by politicians to seize direct power from Ohio’s people and make them hostages to, instead of welcome participants in, the direction of our state. Especially when abortion rights and legislative districts are in play.

Members of this committee, the ACLU of Ohio urges your rejection of House Joint Resolution 1 (as well as SJR 2, HB 144, and SB 92).