

**Testimony of
Jacqueline F. Bird
Before the
Ohio House Constitutional Resolutions Committee
April 19, 2023**

Good morning Mr. Chairman and members of the Committee. My name is Jacqueline Bird, and I'm here representing just myself as a citizen and registered voter of Ohio since 1975. I strongly urge your rejection of HJR1 (and its companion SJR2).

There are only two ways citizens can take direct action to affect state laws. The first is to vote for candidates to represent them in the 133-member General Assembly. The second is via citizen-lead initiatives to be placed on the ballot, an option that has existed for Ohioans for over a century, used rather sparingly as it already is a heavy lift to accomplish, and for which only approximately a quarter of such initiatives have passed.

This initiative option was intended as a check on the General Assembly for Ohio voters when the majority of the voting citizenry felt the General Assembly was not listening to what they wanted. What is proposed now in HJR1/SJR2 will –as it is intended – make it virtually impossible for citizens to get an initiative on the ballot. The rationale of raising the threshold for passage from 50 plus 1 percent to 60 percent “because that’s how it works in the General Assembly” is a stalking horse argument: 60 percent of the 132 members of the General Assembly is 79 people. There are approximately 8+ million registered voters in Ohio; so if everyone voted, over 4 million would have to approve. Would that we could get every registered voter to turn out, but the point is made—MILLIONS of voters need to approve any initiative and that is a vast difference from just 79. It is NOT easy.

The argument that the 132 were elected by the voters to represent their interests barely holds true anymore because of extreme gerrymandering. There is no longer true competition and competing policy positions from which voters can choose. There is no

longer compromise to come to workable solutions that can address the needs and concerns of both—or more—sides to an issue. The hyper use of gerrymandering has ended that basic tenant of democracy (including in this representative republic, which is a form of and falls under the broader rubric of “democracy”). The party in power and the incumbents now choose their voters via contortedly drawn, noncompetitive districts. Even the attempted checks on power by the Ohio Supreme Court have been ignored. The system is broken.

And because it is, that makes it more imperative that the century old safety-valve of voter-lead ballot initiatives stay as it is. It not easy to accomplish now – and indeed it should not be easy--but it shouldn't be made virtually impossible: a chimera, something still in Ohio law but mostly impossible to obtain.

It is interesting that one of the arguments declaring the need to make it next to impossible for citizens to get an initiative on the ballot is the infamous House Bill 6, the bailout of First Energy's and its spinoff entities' nuclear power plants. The argument goes that our state constitution is vulnerable to out-of-state lobbyists with deep pockets who can put anything on the ballot. But the opposite is true.

In fact, HB6--as we all know from media reports and legal discovery of documents and communications—was a product of major ethical lapses and corruption from members in Ohio General Assembly (our representatives) seeking power and taken advantage of by an energy corporation that knew it could “contribute” its way via dark money into legislation that would cause every Ohioan to pay for its bailout, amongst other actions most Ohioans did not support. It was deeply unpopular and a voter initiative was started to repeal HB 6. But those who benefited from HB6 were the ones who paid to bring in out-of-state forces to harass Ohioans and successfully stop the repeal of HB6, using methods to which even Attorney General Yoast (to his credit) reportedly objected. The voters never had a chance to express their voice.

Voter led initiatives are the last true way Ohioans can have voice in the laws that govern them. Please allow the law to stand as is, and reject HJ1 and its companion SJ2. Thank you.