

HB 467 - Proponent Testimony

Chair Peterson, Vice-Chair Thomas, Ranking Member Humphrey and members of the committee, I am here today to testify in support of House Bill 467 which creates an exception to candidate disclosure of name change. I would like to share my personal story, relating to the impact of the Ohio Revised Code 3513.06 and 3513.271, which this legislation would seek to address.

I am one of three candidates who were directly impacted by the name change disclosure, and one of two who were allowed to remain on the ballot. In regards to the backstory of my current name, I am a transgender woman who obtained a court order in order to use my current name because my prior name didn't properly reflect who I am, due to its implied gender. That court order was obtained on July 24, 2020. Prior to that order, I had publicly gone by my current name since at least 2017 - with the exception being my last name, as I got married in September of 2019.

At the time when I began my transition, I was employed as a co-manager for a large retail chain store in the community in which I am currently running for office. I transitioned to this "new name" during a time when I directly supervised more than 200 employees. I'm sure many of you are familiar with small town dynamics in Ohio, and can understand that my prior name and transition was anything but a secret.

I made the decision to obtain a court order, in part, due to completely practical reasons. As legal documents, my work schedule was being posted with my deadname - a term that refers to a transgender person's prior name - and causing confusion at my new job. I went to the probate court to file the proper paperwork, paid the applicable fees and then, as required by the court, filed a notice in the newspaper. The published notice included my prior name, the proposed new name and the date of the hearing. Neither the probate court paperwork nor the notice in the local newspaper are sealed, and both can be accessed with a simple records request.

I picked up my candidacy paperwork at the Mercer County Board of Elections office on September 15, 2023. I did not simply take the paperwork home to fill it out. The Board of Elections staff had me fill out the paperwork in the office, with their assistance. It should be noted that staff were aware of my identity as a trans woman and my name change at that time, yet no mention was made when I was directed on how to fill out petitions. My completed petitions were filed on December 18, 2023, and still no mention was made.

A review of the Candidate Guide does not mention this requirement in any way and a simple viewing of the candidacy petitions will show that no space is provided on the form to be in compliance with this provision. In conversations with elections officials, they have indicated that, had they been aware of this provision, they would not have known how to instruct a candidate with a prior name to be compliant.

This became an issue for me, not because people were unaware of any prior name but precisely because they were aware of the information that Ohio Revised Code is mandating be public. They knew I was a transgender woman and had a prior name, that is why a protest was

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filed. The unequal application of this law comes into question because had I not been transgender they would not have even known that I'd had a prior name. In fact, at no point in the certification process is there a methodology to ascertain if someone has had a name change. As one election official stated to me, "I'm not sure how I would even know to look for that."

Furthermore, I would be unaware of the date the state is requesting, in regard to this provision. I've gone by my current name for at least the last 7 years. I've had a court order for nearly 4 years. However, I've had certain documents that have only been changed over within the last year. Which of these is the metric used to determine compliance? Furthermore, *Pierce v. Brushart* (1950) found that names may be changed either by resorting to a judicial proceeding or by the common-law method of simply adopting a new name, so long as the change is not made for fraudulent purposes. If we look to the date that I began using this current name, I am in compliance. If we look to the date that I resorted to a "judicial proceeding," I am not.

In response to our situation, a representative of the Ohio Secretary of States Office said it was the responsibility of the candidate to obtain legal counsel, to ensure compliance. While I understand that statement, I would first point out that this is unclear territory - given the issues I've previously raised. There are attorneys that would make the argument that I was compliant and others that would say I am not. Beyond that, I firmly believe - as I'm sure many of you would agree - that our government works best when average, everyday Ohioans are part of the process. I believe that includes Ohioans of limited means - such as myself - who lack the ability to place an entire legal team on retainer.

If I were to win this election, especially with the media attention surrounding this issue and the near certainty that those voting are keenly aware of my transition and name change, and yet be refused my seat due to a seldom enforced provision, it would be a black eye to the will of the people and a complete disservice to whomever subsequently fills the seat.

In conclusion, HB 467 would provide needed clarity to candidates and Board of Elections officials, create a more uniformed standard and even the playing field for those seeking office.

And with that, I welcome questions from the committee.

Sincerely
Arienne C. Childrey