

May 30, 2023

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Public Testimony Regarding House Bill 33 (appropriations)  
Re: Proposed Amendment to ORC Section 3517.02-3517.03  
Ohio Senate  
Finance Committee  
Hon. Matt Dolan, Chair

On the subject of a proposed change in the legal manner of  
**Filling Vacancies on County Central Committees:**

Mr. Chairman and Honorable Committee Members,

[HB 33: page 1497, line 46001 through page 1500, line 46082]

A proposed change to the Ohio Revised Code has been quietly injected into the current budget bill being debated in the Ohio Legislature dealing with how vacancies on political party central committees may be filled.

Now one may ask, what does such a subject have to do with the budget for the State government, and why is such language hidden in a massive budget package, and why after decades and decades of the same untouched laws governing political party central committees is a change being hurriedly and surreptitiously imbedded in a massive spending bill hoping that no one will notice? Inquiring minds want to know.

The proposed language is as follows:

*(3) a county controlling committee may adopt a bylaw specifying that a person who is appointed to fill a vacancy on the committee under section 3517.05 of the Revised Code is not required to be a resident of the precinct the person is to represent, so long as the person is a resident of the township or municipal corporation in which the precinct is located. A member of a county controlling committee who is appointed pursuant to such a bylaw shall have the same duties and privileges as a member of the committee who resides in the precinct the member represents. A county controlling committee that adopts such a bylaw shall file a copy of its updated constitution and bylaws with the board of elections.*

Such language not only conflicts on many points with current state law, but cannot coexist with existing codes, and is antithetical to the principles of republican government.

Current state law requires that a person elected to be a member of a county central committee reside in the jurisdiction he or she is elected to represent.

ORC 3517.02 *All members of controlling committees of a major political party shall be elected by direct vote of the members of the party...*

*Each member of a controlling committee shall be a resident and qualified elector of the district, ward, or precinct that the member is elected to represent.*

ORC 3517.03 *The controlling committees of each major political party or organization shall be... a county central committee consisting of one member from each election precinct in the county, or of one member from each ward in each city and from each township in the county, as the outgoing committee determines.*

A member of a county central committee may be elected by direct vote of the electors in the primary election in even-numbered years, or may be elected to fill a vacancy by the existing members of the county central committee, or executive committee, if authorized.

ORC 3517.05 *In case of vacancies caused by death, resignation, failure to elect, or removal from the precinct, ward, township, or district from which a committeeman was chosen, the controlling committee, or, if authorized, the executive committee shall fill the vacancy for the unexpired term by a majority vote of the members of such committee.*

In either case, whether by direct election or by appointment (election to fill a vacancy), committee members must reside in the jurisdiction they are elected to represent, and their names are to be filed with the office of the secretary of state, along with other officials.

ORC 3517.02 *Each party shall file with the office of the secretary of state a list of members of its controlling committees and other party officials within 30 days of their election or appointment.*

State law provides two (2) options for subdividing a county for the purpose of electing central committee members:

1. by precinct
2. by city ward and township

For example, in Montgomery County it is divided by precinct, each having the opportunity to elect a central committeeman, for a total of 381 seats. In Franklin County it is done by city ward and township, for a total of 152 seats. The choice

of one or the other method is made by the outgoing committee, that is, by the currently serving central committee prior to the end of its term. Such decision should be made by a majority vote of all the members of such committee at least 120 days prior to the primary election, and notification of such decision delivered to the county board of elections at that time.

The word *appointment* \* may refer to those central committee members who are elected to fill vacancies, or it may refer to other party officials such as elected officers of the central committee, elected members of the executive committee, officers of the executive committee, and other officers prescribed in party bylaws, such as parliamentarian, legal counsel, etc.

[\*this is the only time the word *appointment* is used. In the case of county central committee members filling vacancies or officers of the central committee or members of the executive committee, such are elected by the members of the county central committee, but not elected directly by the voting members of the party (electors).]

The terms of central committee members may be either 2 or 4 years; and this selection must be set by the controlling committee in party rules (bylaws).

ORC 3517.03 *All the members of such committees shall be members of the party and shall be elected for terms of either two or four years, as determined by party rules, by direct vote at the primary held in an even-numbered year.*

Political party constitutions or bylaws are a product of a political party controlling committee, i.e., central committee. Such must be framed and adopted by a majority vote of all the members of such committee and filed with the secretary of state. Party bylaws must conform to state law; that is, they are subordinate to state law.

ORC 3517.02 *Each political party shall file with the office of the secretary of state a copy of its constitution and bylaws, if any, within thirty days of adoption or amendment.*

The proposed legislation contradicts state law in several ways:

1. It attempts to bestow on a party bylaw the power to negate and supersede state law.
2. It changes the filing requirement for amended bylaws from the secretary of state to the board of elections.
3. It changes the residency requirement for county central committee members.
4. It addresses specific “duties and privileges” of individual county central committee members which are not heretofore addressed by state law, but

left to the discretion of the county party. This phrase does not appear in state code related to political party controlling committees.

So why has this peculiar proposal been introduced at the present time? And what does it attempt to accomplish?

As noted previously, the ORC sections related to political parties and central committees have remained undisturbed for decades. Recently, a member of the local party in Clermont County made strenuous objection to the fact that persons had been appointed to fill vacancies on the county central committee who did not reside in the jurisdiction they were appointed to represent. This was a perfectly valid objection to a practice that violates state law; and those appointments should be invalidated.

Avoiding the particular nuances of this local conflict and the personalities involved, the main issue is this: existing party organizations were filling vacancies on their controlling committees with persons not residing in the jurisdiction they were appointed to represent. Such may have been a regular practice of party bosses in this and other counties; but it is an illegitimate practice.

There are in most counties across the state many vacant seats on the county central committees. These seats have set vacant for years, and there has been no significant effort to fill them. Party bosses have been well-contented to preside over relatively emaciated skeleton crews acting as county party organizations. And with paltry interest in occupying local party positions, party bosses have had the ease of stacking their local committees with hand-picked supporters, no questions asked.

In recent years, however, because of the magnitude of the crises our Nation faces, more concerned citizens are not only asking questions, but seeking to get involved in government, and the local political machinery of government. Thus, when patriotic, conscientious citizens seek to become involved in local political party organizations, and find that party leaders, as a matter of practice, disregard state law and even their own party rules, conflict arises, as it well should.

The fundamental issue of direct geographical representation is in question here. The basic operating principle of our Constitutional Republic is that the people directly choose persons to represent them who live amongst them in the jurisdiction they are elected to represent. This principle could not be more apparent than in the way it is imbedded in our system of political party organization. Each member of a county controlling committee is elected by a direct vote of the voting citizens of his party in the same political jurisdiction (either an election precinct of a county, or a city ward and township, as the case may be) in which the person resides and is elected to represent. Ohio law is clear and incontrovertible: ***Each member of a controlling committee shall be***

***a resident and qualified elector of the district, ward, or precinct that the member is elected to represent.*** This is the way it has been for many, many years; and this is the way it should be.

To reinforce this residency requirement, a candidate is required to file a form at the board of elections attesting that he or she resides in the jurisdiction the person wishes to represent in order to be certified to the ballot. (Form 2-L, 2-M, or 13/write-in) In many counties (and it should be all) Form 2-L is required which must be circulated to acquire signatures of voters in the jurisdiction attesting that the candidate is in fact their neighbor in that jurisdiction and is qualified to seek that office. The other forms do not require additional resident signatures, but the candidate is nevertheless required to swear he is a qualified elector of the party residing in the declared jurisdiction.

The proposed change in the Ohio Revised Code would overthrow this residency requirement and the principle of direct geographical representation. Using the examples of Franklin and Montgomery Counties again, let us consider the ramifications if vacancies could be filled in the proposed way. In the most recent election of central committee members in 2022, out of a possible 152 seats, 129 members were elected, leaving 23 vacancies. 19 of these vacancies were from wards of city (a municipal corporation). 16 of these city wards were in Columbus, a very large city with a wide variety of neighborhoods and boroughs of diverse character. Under the proposed change to the law, the county party could amend its bylaws allowing persons from any of the 87 wards to be appointed to fill the vacant wards. In fact, they could all be filled by persons residing in a single ward, as long as it is in Columbus.

Imagine that a circle of lawyers, lobbyists, and party apparatchiks recruited all their friends in the Downtown political class, and had them appointed to fill wards all across Columbus, from the Hilltop to Eastmoor, from Merion Village to Beechwold, This would be a very unnatural and inappropriate imposed fit, denying the people of those areas their natural and due representation. Such a policy would never be approved in Franklin County, but even the ***prospect*** of such a method of appointment is an affront to republican government and an insult to our American traditions.

Let us now consider Montgomery County, which elects party central committee members by precinct to a 4-year term. In the 2020 Primary Election, of the possible 381 seats available, 104 were elected, leaving 277 seats vacant. In the city of Dayton, only 7 members were elected out of a possible 92 seats. In Harrison Township, only 3 of 15 precincts were elected. Under the proposed policy, the existing party apparatus could amend their bylaws and proceed to appoint selected persons fill 85 seats in Dayton, as long as they live somewhere in the city, and 12 precinct spots in Harrison Township, as long as they live somewhere in the township.

This relatively small group of 104 committee members proceeds to elect an even smaller group to the executive committee. This group then proceeds to meet, generally behind closed doors, and takes upon itself to change party rules, and fill vacancies, with no transparency to show that any of these actions are taken according to proper legal protocols. I have on good authority it is difficult to even find, much less get a copy of party bylaws in Montgomery County. The opportunities for “stacking the committee” are manifold in such a scenario.

So what are the advantages for the existing party leaders to “stack the committee” with hand-picked appointees friendly to them?

1. They can rubberstamp the chairman’s position and agenda.
2. They can appoint executive committee members friendly to the chair.
3. They can endorse candidates for public office approved by party bosses.
4. They can fill vacancies of certain public offices when they arise due to retirement, resignation, death, or other reasons.
5. They can approve choices of board of elections members to be recommended for appointment by the secretary of state.

For these and other reasons, party leaders may exploit the opportunities provided by the proposed changes to the law to consolidate their power and perpetuate their personal agenda.

It is noteworthy that the language of the proposal takes special interest in the “rights and privileges” of the appointed committeemen. This clause reveals the motive, perhaps inadvertently, of this effort: to secure the voting rights on the committee for these bastardized appointees. The motive is not to enhance the effectiveness of the grassroots outreach of the party by fully staffing the team; it is merely to protect the existing power structure in the party as it exists. The existing code does not mention the “rights and privileges” of appointed members which are assumed to be the voting rights as equal members of the committee; but the peculiar emphasis on this proves the main intent, to find a convenient way to fill vacancies on these committees with hand-picked cronies, and give them full voting rights to protect the status quo in the party power structure.

I wasn’t born yesterday; I have been involved in local party politics for decades and have observed how the game is played. Protecting the power of the party Establishment is exactly the reason behind this proposed change to our long-standing Ohio law. Many of these committee seats have been vacant for years. Only now, when there is a renewed interest by the rank and file Republican voter in participating in the actual machinery of the party organization, does this idea for filling vacancies suddenly arise. But the same rules apply for the Democrat voters and their party, so it is an issue of concern for all, regardless of party. However, it was introduced at the behest of an establishment Republican. Have these party leaders painstakingly combed these neglected precincts, searching to enlist volunteers to serve as party standard-bearers? No, they have not; but

they should be doing this very thing. And they should not be trying to rig the process so they can shoe-horn into these spots people who don't belong there. Everyone of us who are elected central committee members, who circulate petitions to get on the ballot, who reach out to fellow party members and neighbors in our precinct, ward, or township, who campaign for this office, and who serve to represent the same to the party and the party to them, ought to be outraged at this attempt to subvert the stature of this office, and the honorable process of direct election representation.

Let me just say this: this proposal did not bubble up from the grassroots, nor does one in a million Ohio voting citizens even know about it, nor do I believe the overwhelming majority (and I mean 99%) of party leaders or committee members across this State know about this either—nor would they support it if they did know. This is the work of a very small number of people who are seeking to sneak this into state law, buried in a 5000 page appropriations bill. But this is a matter that should be considered as a stand alone topic, argued and debated in the open in every county party organization across Ohio—if it had any merit. But it doesn't! And the authors of the measure know that it doesn't! If it were presented in the light of day for a fair consideration, it would be soundly rejected as a disgraceful attempt to dilute the franchise of the citizenry, and the rank and file base of the political parties. I am also confident that the vast majority of the Members of the General Assembly would also reject this—if they knew it was in this bill! My job is to make sure every Senator and Representative is fully alerted on this matter.

The final point to be addressed is this: the proposed legislation changes the filing requirement for amended bylaws from the office of the secretary of state to the county board of elections. Why is this significant? Firstly, it contradicts existing state law. Secondly, it keeps the whole process of running the county party in-house, localized, and in a sense privatized. In most cases, local party chairmen also serve on the board of elections. Sometimes it is very difficult to get public records related to the county parties from the board of elections, strange as that may seem. They keep their finger on the pulse of all things political in their county. If anyone files for any office, immediately they know it. If they can amend their party bylaws and only must file them with the county board of elections of which they are 1 or 2 of the 4 members, don't expect this information to be readily available to those who wish to challenge the system, if you take my meaning. Their tends to be a kind of inbreeding, and a "good-old-boys-network" that exist in local political institutions that has an inherent interest in self-preservation, and which will find ways to make things difficult for outsiders.

Once again, it brings to light the actual objective of the legislative proposal in question. In a word, it is **cronyism**. It is a raw and unvarnished attempt to weight the system to protect those in power, and obstruct access to outsiders seeking to participate in the process of local self-government according to the

organic precept declared in the Ohio Constitution: ALL POLITICAL POWER IS INHERENT IN THE PEOPLE.

To my fellow concerned Ohio citizens, to my fellow Central Committee Members and Party Officers, and to the Members of the Ohio General Assembly, for the sake of yourselves and our great traditions in this free republic, please see to it that this provision attached to the budget bill (HB 33) under consideration by the Ohio Legislature is removed and thrown into the trash where it belongs.

POWER TO THE PEOPLE!

Thank You.