



Ohio

Holding Power Accountable

**Testimony by Trevor P. Martin,
Common Cause Ohio
On Senate Bill 92,
Before the Senate General Government Committee
April 18, 2023**

Chairman Rulli, Vice-Chair Schuring, Ranking Member DeMora, and members of the Senate General Government Committee, thank you for providing me the opportunity to testify today in opposition to Senate Bill 92, a proposal to allow for special elections to be held in August for certain purposes. My name is Trevor Martin and I am here on the behalf of Common Cause Ohio which has over 30,000 contributing Ohio citizen members to urge you to oppose and/or table SB92.

Senate Bill 92, from Sens. Theresa Gavarone and Rob McColley, would set up a special election this coming August “for the purpose of submitting a statewide ballot issue to the voters under Section 1 of Article XVI, Ohio Constitution.” The specified section deals with amendments proposed by the General Assembly, not by citizens or groups. So it appears an August vote would only be for amendments from state lawmakers and more specifically for Senate Joint Resolution 2, a proposal to raise voter approval for constitutional amendments to 60%.

It was just four months ago, in December of 2022, that a majority of Ohio senators voted in favor of House Bill 458, legislation that did away with most August special elections. Senators took the opportunity to add several amendments to that bill, an exception for constitutional amendments proposed by the General Assembly was not one of these. House Bill 458 began as a stand alone proposal to eliminate August special elections and the bill’s sponsor, Rep. Thomas Hall, contended that there should only be two elections a year “a primary election, and a general election.” He went on to argue that “August special elections are costly to taxpayers and fail to engage a meaningful amount of the electorate in the process.”

Ohio Secretary of State Frank LaRose also supported the push in 2021 to get rid of August elections, saying that “These unnecessary ‘off-cycle’ elections aren’t good for taxpayers, election officials or the civic health of our state. It’s time for them to go!” Supporters of HB 458 Reps. Derek Merrin and Scott Wiggam introduced their own legislation in 2019 to end local August elections. In 2015, with House Bill 64, lawmakers dealt away with February elections. In fact, before HB 458 passed, there had been a 20-year debate over whether Ohio should continue to allow special elections in the offseason months of February and August. It was decided. Why the sudden change of heart?

Secretary LaRose now says that changes are needed to protect Ohio's constitution from outside interest groups, claiming that "partisan groups are gearing up for constitutional warfare." However, Senate President Huffman and Rep. Brian Stewart, the sponsor of House Joint Resolution 1, are among those who have been very clear about the real reason Senate Joint Resolution 2 and House Joint Resolution 1 are being pushed onto an August special election ballot.. Senate President Matt Huffman said recently the roughly \$20 million price tag of an August election would be worth it, if it's enough to thwart an effort underway to establish a constitutional right to abortion in Ohio. Likewise, Rep. Brian Stewart wrote a letter in December stating that the change is needed because "the Left intends to write abortion on demand into Ohio's Constitution" and "Democrats now intend to rewrite Ohio's Constitution to put (now-retired Republican Chief Justice) Maureen O'Connor and other unelected liberals in charge of drawing legislative districts". These comments are an explicit connection between efforts to raise the threshold for amending the constitution and undermining popular citizen initiative proposals aiming to make the ballot.

Voter turnout for August special elections is notoriously low. That is why, traditionally, the General Assembly does not put measures on a special election ballot. In fact, the first and only time the state legislature referred a measure to the ballot for an August special election was in 1926. Rep. Reggie Stoltzfus, said in November 2021 in favor of HB 458, “We hear about these August elections – my question is, why would entities not just wait until November to put the question in front of the general public?” He went on to say “To me, I don’t believe it’s, in a lot of ways, fair, to put something on that is going to get 10% to 15% turnout.”

Nevertheless Sec. LaRose dismissed concerns about turnout saying, "There will be very few people in the state not aware that there's a constitutional question on the ballot in August." However, consider that last year's redistricting fiasco led to two primaries — one in May for the U.S. Senate, Congress and statewide offices and one in August for the state lawmakers. About 21% of Ohioans voted in May compared to less than 8%

who voted in August. If August turnout was so dismal when voters were electing the very legislators that represent them in the statehouse, what makes supporters of SB 92 so confident that turnout will be any higher in four months when a majority of Ohio voters will most likely be unaware or uninformed of any proposed ballot initiative?

We at Common Cause Ohio advocate for and support any legislation that promotes an open, honest, and responsible government, regardless of party, and we oppose any legislation which prevents or limits citizen participation or their ability to hold their government accountable, regardless of party. The basic rules of engagement shouldn't be changed just because they benefit one political agenda or another. That is not democracy.

There is a document found on the Ohio Secretary of State's website. It is entitled "Proposed Constitutional Amendments, Initiated Legislation, and Laws Challenged by Referendum, Submitted to the Electors." It was compiled through 1954 by Arthur A. Schwartz, Director of the Legislative Reference Bureau, the precursor to the Legislative Services Commission. It is now maintained and updated by the office of the Ohio Secretary of State. The very first line of that document reads as follows: *"The people of Ohio participated directly in making their constitution, and it cannot be amended without their consent."* I urge you to vote NO on SB 92, though if you truly believe voters want this change to our constitution, then put it on the ballot during a general election when the People turn out to vote and may give their consent.