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WRITTEN OPPONENT TESTIMONY OF DEBRA L. SCHAFFNER
Constituent of Ohio Senate District 20

Hearing on Senate Bill No. 137, "Generally prohibit the use of ranked choice voting"
3:00 PM

Mr. Chairman Rulli and members of the Committee:

Thank you for this opportunity to provide written testimony in opposition to Senate Bill 137. My name is Debbie Schaffner. I am a resident of Baltimore, Ohio, where I sit on Village Council and chair the Rules Committee.

In my retirement years, I have become active in volunteering with pro-democracy organizations and am a major supporter of Ranked Choice Voting. I started volunteering for Rank the Vote Ohio in 2023, and since then I've had the opportunity to talk to literally thousands of Ohio voters about Ranked Choice Voting and have found that Ohio voters are not only interested in implementing Ranked Choice Voting, but excited to know that there is an electoral reform available to them that will make them feel as if their voice is heard.

I'm opposed to Senate Bill 137 primarily because it blatantly violates a municipality's constitutional right to self-govern. While the senate bill does not flat-out ban Ranked Choice Voting, it promises to PUNISH any municipality that exercises its constitutional right to implement Ranked Choice Voting.

Article XVIII, Section 3 of the Ohio Constitution provides that "[m]unicipalities shall have the authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws." In addition, a chartered municipality may exercise all other powers of local self-government.

In 2008 the Ohio Supreme Court upheld in *Mendenhall v Akron* that a municipality exceeds its powers under the Home Rule Amendment and a state statute takes precedence over a local ordinance if "(1) the ordinance is an exercise of the police power, rather than of local self-government, (2) the statute is a general law, and (3) the ordinance is in conflict with the statute." *Mendenhall v. Akron*, 117 Ohio St. 3d 33, 2008-Ohio-270, ¶ 17.

The Court had already established in 2002 that in order for a statute to be deemed a "general law" for the purposes of the Home Rule analysis, the statute must "1) be part of a statewide and comprehensive legislative enactment, 2) apply to all parts of the state alike and operate uniformly throughout the state, 3) set forth police, sanitary, or similar regulations, rather than purport only to grant or limit legislative power of a municipal corporation to set forth police, sanitary, or similar regulations, and 4) prescribe a rule of conduct upon citizens generally." *Canton v. State,* 95 Ohio St.3d 149, 2002-Ohio-2005, syllabus.

Senate Bill 137 fails the definition of a “general law” set forth by *Canton v. State* because (a) it is not a police, sanitary or other similar regulation, and in fact exists only to limit and/or restrict self-governance and (b) it does not seek to control citizen behavior.

The idea of a system that punishes a municipality for exercising its constitutional right is in and of itself unconstitutional. **As *Canton* also concluded, if a statute is not a general law, then it is “an unconstitutional attempt to limit the legislative home-rule powers” of municipalities. Id at ¶ 10**.

Review of the laws regarding Home Rule and “general law” reveal a clear picture that Senate Bill 137 is unconstitutional, as well as big government overreach, and I would urge you to vote ‘NO’ on Senate Bill 137.

Sincerely,

Debbie Schaffner