

Opponent Testimony on SB 137: February 21, 2024

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Dear Chairman Rulli and Members of the General Government Committee,

My name is Kyle Herman, and I'm the executive director of Rank the Vote Ohio, a nonpartisan nonprofit organization founded by volunteers, including myself, in 2020.<sup>1</sup> Rank the Vote Ohio educates Ohioans about Ranked Choice Voting (RCV) because RCV solves an urgent problem: Our current elections system too often suppresses voters' choices and fails to uphold majority rule.<sup>2</sup> Recent races in Ohio were won with as little as 35%<sup>3</sup>, 32%<sup>4</sup>, even 28%<sup>5</sup>. RCV can improve election integrity by allowing more votes to count.

More than 16,000 Ohioans have signed their support for RCV because they want more choice, more voice, and more confidence that their votes will actually matter. And more Ohioans are signing every day at RankTheVoteOhio.org because they're fed up with a system that isn't working for them.

Ranked Choice Voting in its most common form is simply an Instant Runoff. If more than two candidates run, and no one wins a majority, your ballot includes your backup choices so that a runoff can be done without a wasteful second election.

*Exhibit A: Example Ranked Choice Ballot*

	1st Choice	2nd Choice	3rd Choice
Ohio State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ohio University	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Xichigan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As you know, Ranked Choice Voting was used in five Ohio cities<sup>6</sup> between 1913 and 1960<sup>7</sup> before it was repealed by corrupt party bosses<sup>8</sup> and members of the KKK who didn't like that

<sup>1</sup> <https://www.rankthevoteohio.org>

<sup>2</sup> [https://www.rankthevoteohio.org/about\\_rcv](https://www.rankthevoteohio.org/about_rcv)

<sup>3</sup> <https://www.cnn.com/election/2022/results/ohio/republican-primaries/us-house-district-9>

<sup>4</sup> <https://www.cnn.com/election/2022/results/ohio/republican-primaries/senate>

<sup>5</sup> <https://www.cnn.com/election/2022/results/ohio/republican-primaries/us-house-district-13>

<sup>6</sup> <https://www.rankthevoteohio.org/history>

<sup>7</sup> Barber, Kathleen. "[Proportional Representation and Election Reform in Ohio](#)." Ohio State University Press, 1995.

<sup>8</sup> FairVote: "The Forgotten Results & Future Promise of Ranked Choice Voting in Ohio."

[https://fairvote.org/report/the\\_forgotten\\_results\\_future\\_promise\\_of\\_ranked\\_choice\\_voting\\_in\\_ohio\\_1](https://fairvote.org/report/the_forgotten_results_future_promise_of_ranked_choice_voting_in_ohio_1)

Ranked Choice Voting helped level the playing field to improve competition and diversity of representation.<sup>9</sup>

As indicated by the sponsor testimony, SB 137 intends to financially punish Ohio cities that seek to restore Ranked Choice Voting. RCV can't be banned outright because it is protected by the Ohio Constitution. The sponsor testimony made us aware of a 1923 Ohio Supreme Court case<sup>10</sup> that ruled 1) Ranked Choice Voting is consistent with "one person, one vote," and 2) Ohio's charter cities have a constitutional right to use RCV in accordance with Home Rule Authority. SB137 strikes at the heart of Home Rule by preventing Ohioans from deciding how our local governments should be run.

There are Republican and Democratic councilmembers across Ohio who support RCV. But regardless of how local elected officials feel about RCV, they understand the importance of protecting Home Rule so that each community can decide its own destiny. What's the harm if University Heights votes to try an election system that's proving successful in other places?

I happen to be a city councilman for my hometown — representing the 35,000 residents of Stow, Ohio. I won a nonpartisan seat in our purple suburb by campaigning on local nonpartisan issues. I know not every city has rules that encourage nonpartisanship, but Ranked Choice Voting can help them try. That chance shouldn't be snatched away from local communities by big government overreach.

I believe you're all good and reasonable individuals. But our current election *system* incentivizes politicians to do unfair and unreasonable things by putting party over country. Ranked Choice Voting would simply allow politicians to serve a majority of voters instead of bowing to the fringes of their parties.<sup>11</sup>

Ohioans voted overwhelmingly last August to uphold majority rule, so please don't use SB 137 to coerce local leaders who are simply trying to exercise their constitutional right to uphold majority rule in their communities.

Thank you for letting me speak with you today. I would be happy to answer any questions.

Thank you,

Kyle Herman

Rank the Vote Ohio

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<sup>9</sup> Sightline Institute: "How Proportional Representation Gave American Voters Meaningful Representation in the 1900s."

<https://www.sightline.org/2021/10/05/how-proportional-representation-gave-american-voters-meaningful-representation-in-the-1900s>

<sup>10</sup> Reutener v. City of Cleveland

<sup>11</sup> Troiano, Nick. "The Primary Solution." Simon & Schuster, 2023: <https://www.uniteamerica.org/book>