



**LEAGUE OF WOMEN VOTERS®
OF OHIO**

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Testimony on Am Sub HB 377, Petitions
before the Senate Government Oversight Committee
presented by Peg Rosenfield on behalf of the
League of Women Voters of Ohio
June 2, 2010

The League of Women Voters of Ohio supports Amended Substitute House Bill 377 as it strengthens the ballot initiative process by trying to ensure that the information presented to voters who are asked to sign petitions is accurate. Concerns in the last several years have focused on paid circulators who, when asking voters to sign petitions, were not accurately informing them about the purpose or contents of the petition.

We offered a number of suggestions to HB 377 when we testified on it in the House committee in March; and we are glad to see that several of those suggestions have been incorporated in the current bill. However, we would like to comment on just two items that still concern us.

The first concerns the level of responsibility that petition entities have for assuring that their employees follow the law. Section 3519.012 (B) (1) (b) at Line 395 sets the standard as "authorizing or *knowingly* permitting any of the acts" which are to be prohibited. [emphasis added] We believe this is too stringent a level of proof and recommend replacing "knowingly" with "knew or should have known".

This would parallel the standard just 15 lines further down the page. Section 3519.12 (B) (3) at line 410 addresses the same situation with appropriate language: "the entity authorized or knew or should have known...."

Our second concern is that a ballot issue could have two titles – one on the petitions and a different one on the ballot language, creating the potential to confuse voters. As the bill is currently written, Section 3519.01(A) at lines 293-360 requires the Attorney General (AG) to approve the summary and title for an issue and certify both to the Secretary of State. The Ballot Board then decides whether the issue is a single subject or needs to be divided. In either case, the Attorney General ultimately certifies both the summary and the title to the Secretary of State and the petitioners may begin soliciting signatures. If the issue reaches the ballot, the Ballot Board must decide the ballot wording. But, the Secretary of State is required to decide the ballot title. Under this procedure, voters could encounter different titles on the petitions and the ballots, because of the division of duties between the different entities.

We suggest that the AG should continue to approve the summaries of statewide issues, but the Ballot Board should be responsible for determining the petition title when it decides on whether or not to split an issue, and that the same title used on the petitions should be used for the title on the ballot. The process in which the Attorney General determines the title does not involve public comment, and public comments are taken to aid the Ballot Board in its deliberations. Under this process, the title would be determined only once and would be determined with public input.

I will be happy to answer any questions.

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