



**LEAGUE OF WOMEN VOTERS®
OF OHIO**

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To: Senate State Government Oversight and Reform Committee

From: Peg Rosenfield, Elections Specialist, League of Women Voters of Ohio

Date: March 5, 2013

Re: Interested Party Testimony on SB 47, as Introduced

The League of Women Voters of Ohio supports the Ohio Association of Election Officials' recommendations to raise the threshold for unbid contracts to \$25,000, and to allow Boards of Elections to opt in to bulk purchasing of supplies through a Secretary of State contract.

We have no problem with revising the Revised Code to conform with Supreme Court decisions affecting the circulating of petitions. However, we have a question about the requirements for filling candidate vacancies (first mentioned at RC Sec. 302.09, line 47): how are Boards of Elections going to be able to fulfill the mandate to have UOCAVA ballots available 45 days before Election Day if some of these candidate deadlines are after that 45-day deadline?

We also have a question about the repeal (see RC Sec. 3503.14, line 792) of the outdated mandate that was enacted in House Bill 3 in 2005 for Boards of Elections to send informational notices to all voters. If this wording is deleted, and a Board decides to send such notices to its voters, will this revised wording then allow the voters to use those notices as identification for voting? We do not believe that is the intent, but it might be the effect.

Unfortunately, we also have a number of serious concerns about the provisions in the bill affecting initiative and referendum petitions. Unlike the rest of the bill, which focuses on fairly routine administrative matters, these

provisions relate to a fundamental right enshrined in the Ohio Constitution. Therefore, we suggest/recommend that the petition language in Sections 3503.06 and 3519.16 be considered in a separate bill, so they can be given the careful consideration they deserve.

In order to appreciate the importance of these petition provisions, it is helpful to put them in historical context. The initiative and referendum were amended into the Ohio Constitution to address the excesses of the “Gilded Age.” [This term was coined by Mark Twain in his best-selling 1873 book by that name that satirized the era of serious social problems hidden by a thin layer of gold. It applies to the period following the Civil War to the turn of the century, the age of the moguls, railroad tycoons, robber barons, steel kings, and trusts. State legislatures had become increasingly captive of these corporate interests.]

Both rural and urban voters became increasingly distrustful of legislatures that they considered unresponsive to the voters. Of relevant interest to us is the political fallout resulting in a number of states – including Ohio – amending their state constitutions to provide for citizen initiative and referendum. The voters who did not feel that their legislators were responsive to their concerns sought a mechanism to be heard. This mechanism was important enough to be imbedded in the Ohio Constitution and has served Ohioans well for over 100 years.

If the legislature refused to pass needed laws or amendments, the citizens could initiate them by circulating petitions. If the legislature passed laws that the people disapproved, they could circulate petitions to refer those laws for approval or disapproval by the voters. To assure that these provisions would not be weakened by the very legislators they were intended to bypass, the 1912 amendments to Article II included strong language making clear that this was a fundamental right of Ohioans not to be tampered with by the legislature: Art.II

Sec.2.01 “...the people reserve to themselves the power to propose to the general assembly laws and amendments to the constitution, and to adopt or reject the same at the polls on a referendum vote...”

Sec.2..01g, paragraph 5 states that the provisions of the Constitution relating to initiative shall be self-executing except as provided in the

Constitution. “Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved. [emphasis added]

The League believes that government should be responsive to the will of the people. The right of initiative and referendum embedded in the Ohio Constitution were created to ensure that the government is responsive. We are concerned that the restrictions on petitions in SB47 will have the effect of weakening the right to the initiative and referendum. And we further believe that such a step is forbidden by the language of the Constitution.

Even if it were not forbidden by the language of the Constitution, reducing the time to collect signatures in SB47 will make it more difficult for initiative and referendum petitions to qualify for the ballot– in direct contradiction of the intent of the 1912 amendment. Ohioans have benefited for over 100 years by the availability of the initiative and referendum process. A change of this nature should not be rushed through the legislature as if it were a minor procedural correction.

We urge you to separate out all the petition provisions for a different bill for full, careful consideration.