



TO: Senate State Government Oversight & Reform Committee

FROM: Gary Daniels, Associate Director, ACLU of Ohio

DATE: October 8, 2013

RE: Senate Bill 193

To Chairman Burke, Vice Chair Uecker, Ranking Minority Member Smith, and members of the Senate State Government Oversight and Reform Committee, my name is Gary Daniels, Associate Director for the American Civil Liberties Union of Ohio ("ACLU of Ohio") and I appear to present interested party testimony on Senate Bill 193.

The ACLU is the oldest and largest civil liberties organization in the world with over 500,000 members nationwide and over 30,000 members and supporters across Ohio. The ACLU and ACLU of Ohio are non-profit, non-partisan membership organizations devoted to protecting basic civil rights and civil liberties for all Americans and all Ohioans.

For decades, the ACLU of Ohio has addressed election and voting issues through our education, public relations, legislative and, of course, legal work. With regard to SB 193, our concerns are brought forth on behalf of those voters who wish to vote for the candidate and/or party of their choice and those minor political parties who have been historically thwarted by the actions of the major political parties.

I will keep our concerns with SB 193 brief as, according to recent press coverage, it appears the bill will undergo changes. If that is accurate, I anticipate we will weigh in again at a later date with more detail once we analyze any new language.

For now, our broadest concern is with the timing of SB 193. While we appreciate previous attempts have been made to address court rulings on this subject for many years, the ACLU of Ohio does not feel fundamental and far-reaching changes regarding third party formation and ballot access should be done so close to major election dates. While there may be no "perfect" time to implement these types of changes, it appears many of the proposed changes in Ohio law would ultimately harm those they are intended to help, at least for the 2014 election cycle. This is especially true of those candidates and parties who are already collecting signatures for their primaries, have filed candidate petitions with their local boards of election, and continue to collect signatures for statewide candidates, all pursuant to current state law.

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While not an exhaustive list, there are numerous other potential problems with SB 193. Among them are:

- 1) Onerous petition requirements for formation of a political party that require at least 500 signatures of voters from each of half of the congressional districts in the state.
- 2) Tying legal recognition of political parties in Ohio to that party's performance in races for governor and president. This is obviously an issue should any party, for whatever reason, not want to or will not field candidates for those offices.
- 3) Related, using the results of elections for governor and/or president, exclusively, as any kind of threshold for existence as turnout numbers differ greatly, depending on the office and election year.
- 4) Nominating petition requirements for statewide offices that allow signatures only if the signer did not vote for a different party's primary candidate in the last two years. Like all the points before this, this is a "chicken/egg" problem in a purple state where the majority of voters do not officially register as part of a political party but where many, nonetheless, vote for candidates in the primaries of the two major parties due to a lack of options.

In closing, the ACLU of Ohio urges this committee to abandon the seemingly rapid progress of this bill and, instead, craft a legislative solution with the input of various stakeholders. Significant changes to election law should be done very carefully and in a way that does not unfairly (and, perhaps, unconstitutionally) impact the voters and minor political parties in the State of Ohio.

As always, if the ACLU of Ohio can be of further assistance please let us know. As I said earlier, we are following this legislation closely and anticipate we will have additional and more detailed thoughts in the future.