

Testimony of Greg Pace
Ohio Constitutional Modernization Commission
Thursday, June 8th, 2017

To all on the commission, thank you for hearing my concerns.

My name is Greg Pace. I am co-founder of the 'Columbus Community Bill of Rights' grass-roots group, and am also a board member of the Ohio Community Rights Network.

Due to machinations by the office of Ohio Secretary of State over the past two years that have curtailed Ohio residents' rights to put initiatives on their respective ballots for county charters, it has become painfully obvious to groups such as Columbus Community Bill of Rights and the Ohio Community Rights Network, that when citizen initiatives push back against corporate interests, their lobbyists have influence from the boards of elections, through the executive offices, and the courts as well.

Secretary of State Jon Husted stifled three county charter initiatives in 2015 by instructing their respective boards of elections to do refuse them access to their ballots. He made claims that the charter language did not suffice to include enough structure to run the county governments. The supreme court upheld Mr. Husted's claims, except that it was determined that in one case, Medina County, where ruling was against his decision. In the Medina case, the court ruled that he overstepped his authority to stifle an initiative based on the statutory content rather than administrative content.

These county charter initiatives all have in common 'community bill of rights' provisions that disallow new oil and gas production infrastructure from being installed within their counties.

We all see it eventually, when special interests encroach on interests of the general population to maintain our levels of self-governing democracy in this state. Today, it is the oil and gas industry with their mounds of contributions, not only to the legislative branch, but to the executive and woefully judicial branch as well.

Judges do not recuse themselves any more, from cases when they accepted contributions from the industry they are deciding for or against. Impartiality is eroding on behalf of moneyed interests to the behest of Ohio's residents.

In 2016, four Ohio counties obtained required signatures to place initiatives on ballots for county charters with updated language. Again, Husted kept them off the ballots and the court upheld his decision. His decision, for the second year, entailed ambiguous rules that he interpreted to decide that the county charters did not define an executive authority.

This was a misinterpretation, as the charters were not written intending to alter the form of county government, but only to increase local constitutional authority of the residents and give them a voice to

protect themselves when it will not occur otherwise. Mr. Husted went so far as to assign Jimmy Stewart, then head of the Ohio Gas Association, to the Medina County BOE. Mr. Stewart refused to recuse his vote when asked to. The Medina initiative was voted by the BOE to be kept off the ballot.

The only dissenting opinion was from Justice O'Neill, the lone non-Republican on the supreme court. He said, "The secretary of state does not have the power to veto charter petitions on behalf of the oil and gas industry simply because the citizens did not pick exclusively from two forms of county government delineated in R.C. 302.02.3. This is a usurpation of power from the people that we should not indulge."

Please do not give Ohioans the impression that the very commission created to update our constitution is making it even more difficult for residents to exercise our rights of initiative in this state. I applaud the recommendation to take away the supplemental requirement for more signatures after the legislature votes down an initiative amendment, but see no reason to make an adjustment on the voting end to compensate. Bringing the winning vote from 50.1% to 55% is just plain stifling. I do not understand where the commission sees that in the past Ohio has run into any actual situations where initiatives passed at the ballot, but were reflected on later that should have had a marginally-higher threshold to pass.

Thank you for your time.