



Date: June 29, 2021

To: Governor Mike DeWine

Re: Voter Rights Groups Urge a Line Item Veto of Budget Amendments SOSCD15, AGOCD37, and SENCD02

The Ohio Voter Rights Coalition (OVRC) and its steering committee member organizations, All Voting is Local, the ACLU of Ohio, Common Cause Ohio, the League of Women Voters of Ohio, and Ohio Voice write to share grave concerns, and urge you to use your line item veto authority to remove several provisions from Amended Substitute House Bill 110 before being signed into law.

Specifically, OVRC would like to see the provisions below removed from HB 110 before being signed into law.

SOSCD15: Secretary of State Funding and Abolishment of Citizens Education Fund

The Senate-passed version of HB 110 included problematic language pertaining to the use of private donations, gifts, and grants for election administration and voter education. Unfortunately, the conference committee report not only included the troubling Senate-passed language, but went even further to prohibit nongovernmental entities from “collaborating” with public officials for any election related activities.

The Ohio Voter Rights Coalition does significant programming with local Boards of Election and the Secretary of State’s office to promote civic engagement, voter education, and ballot access - all prohibited activities under the current version of HB 110. Our member organizations regularly collaborate with election administrators, both at the local and state level. This unvetted language appears to prohibit any and all collaborations between nongovernmental entities and could severely limit Ohio voter’s ability to cast an informed ballot.

For example, this language appears to prohibit our member organizations from contributing comments solicited by the Secretary of State's for updating the Election Officials Manual, hosting webinars with members of their county Board of Elections, or issuing informational palm cards to County Boards of Election for distribution. This also would prohibit activities similar to when Secretary LaRose collaborated with the Center for Civic Design to update and improve the configuration and presentation of election related mailers - an initiative that was applauded as a common sense way to improve response rates to election mail.

We strenuously urge a veto of this unvetted, overly broad, and unwise amendment from HB 110.

AGOCD37 and SENCD02: Court Settlements and Redistricting Lawsuits

OVRC strongly suggests this language be removed from HB 110. This language poses significant separation of powers concerns by prohibiting the Attorney General from entering settlements, agreements, or consent decrees during a lawsuit challenging the validity of state law. This prohibition is an overreach by the legislature into the executive's authority as a co-equal branch of government responsible for enforcing the laws the General Assembly creates. We are concerned that this provision will extend litigation proceedings at the taxpayers expense and create an atmosphere of uncertainty for the Attorney General, plaintiffs, and judges. The legal intricacies of these provisions have not been fully vetted and the implications and consequences of enacting these provisions remain unknown. Changing the nature of litigation against the state deserves a full public debate where we can come to a firm understanding of its ramifications.

As a former Attorney General and now Governor, the people of Ohio are relying on you to exert your authority as the leader of Ohio's executive branch and veto this attempt by the legislature to usurp your constitutionally afforded enforcement authority.

Ohioans support fairness in our democracy. We voted overwhelmingly -- by over 70%, in all 88 counties statewide -- to reform state legislative and congressional redistricting. The people of Ohio have made it abundantly clear, repeatedly, that they want a fair, bipartisan process with transparency and public participation. Adding unvetted, last-minute amendments impacting redistricting litigation to the budget violates the clear mandate for transparency. To alter the process does not live up to the letter or spirit of the Ohio Constitution.

Allowing the Speaker and or President to insert themselves in redistricting litigation, while explicitly denying that right to other members or groups of the General Assembly, is an affront to the more than 70% of Ohioans who worked to foster a bipartisan redistricting process. A veto of this amendment shows a commitment to the will of Ohio voters.

Conclusion

The state operating budget is not an appropriate vehicle for enacting anti-democratic policies. The proposed amendments should be removed because they impair voter education and election administration and violate the separation of powers.

By cutting funding streams, in-kind support, and collaboration through public-private partnerships for election administration and voter education, the General Assembly is undermining vital infrastructure to support the work of administering elections. Rather than eliminate public-private partnerships for election administration, the state of Ohio should support these efforts as a way to supplement state dollars in promoting civic engagement and participation.

Prohibiting the Attorney General from entering a settlement, agreement, or consent decree during a lawsuit challenging the validity of state law, violates the separation of powers. This amendment will undoubtedly cost taxpayers additional dollars through extended litigation proceedings. Unfortunately, this provision continues the trend of the Ohio General Assembly asserting authority where it has none. The General Assembly has the constitutional authority to create laws. The state legislature has no constitutional authority to act in the enforcement of those laws.

For these reasons we urge the removal of SOSCD15, AGOCD37, and SENCD02 from Am. Sub. HB 110 before the bill is signed into law.

Thank you for taking the time to seriously consider removing these problematic provisions. To discuss further, please contact Jen Miller, League of Women Voters of Ohio at director@lwvohio.org or (614) 563-9543.