

Written Testimony on House Bill 1

May 30, 2024

Kevin C. O'Neil

Chair Peterson, Vice Chair Thomas, Ranking Member Humphrey, and members of the House Government Oversight Committee, thank you for allowing me to submit this written testimony on proposed House Bill 1 (HB 1).

My name is Kevin C. O'Neil. I am a registered Ohio voter and practicing attorney for over 40-years. I have worked in leading Ohio law firms as well as major public corporations.

I am strongly opposed to HB 1 for reasons discussed below and the "emergency" basis being used to consider it for adoption. As an Ohio registered voter I am asking you to do the right thing and vote "No" on HB 1, or convert the legislative process to allow for more in-depth research and hearings with experts and interested citizens to avoid adopting a Bill filled with unintended consequences. HB 1 as currently drafted has vague language, possible conflicts with other existing laws, as well as possible unconstitutional provisions.

As drafted HB 1 seriously restricts the constitutional rights of Ohio citizens to bring and promote ballot initiatives and referendums under Ohio Revised Code (ORC) Chapter 3519¹. This **vested** right in the citizens of Ohio to put initiatives on the ballot goes back over 100 years, and should not be restricted in any way.

The ballot initiative process under ORC Chapter 3519 is already extremely complex and an extremely difficult one for citizens to implement. It requires the collection of over 400,000 signatures of registered voters in a majority of the counties in Ohio. The cost to citizens of even one ballot initiative can easily reach into the hundreds of thousands of dollars. Adding more restrictions is not a "corrective" action; but one taken out of spite given the fact that the citizens of Ohio have passed or defeated, by an overwhelming majority, several ballot initiatives which the Republican Party has either opposed or proposed². This is further supported by HB 1 only applying to citizen ballot initiatives, and not also to initiatives from the Ohio General Assembly. Applying it selectively to only Ohio citizen ballot initiatives, and not all like election processes, also shows the true intent behind HB 1.

Restrictions proposed in HB 1 on funding by foreign sources already exist under current election law^{3,4}. HB 1's vague language on this could possibly be clarified under a more deliberative legislative process, including how it would impact or conflict with other current laws, and whether certain provisions are even needed.

¹ <https://codes.ohio.gov/ohio-revised-code/chapter-3519>

² <https://ohiocapitaljournal.com/2024/05/28/ohio-senate-republicans-make-biden-ballot-fix-conditional-on-attacking-voter-ballot-initiatives/>

³ <https://codes.findlaw.com/us/title-52-voting-and-elections/52-usc-sect-30121.html>

⁴ <https://elc.ohio.gov/opinions-decisions/advisory-opinions/by-year/2021elc05>

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HB 1 is also unclear on how committees organizing ballot initiatives will be required to comply as political action committees, and whether that applies at both the petition and campaign stages, and if there are any restriction on contribution levels. Further HB 1 also adds vague language regarding possible *criminal prosecution* for those involved in ballot initiatives in what appears on its face an unworkable process. It appears that even an inadvertent contribution by a foreign individual married to a US citizen could violate the law. If the true intent of HB 1 is to “kill” citizens ballot initiatives, these provisions for criminal prosecution will do it.

Ohio already has an effective and efficient process for dealing with election law issues⁵. There is absolutely no reason to change the process to involve the Ohio Attorney General. Is the Ohio AG’s office even staffed or funded to deal with a significant increase in election law cases that HB 1 would create for that office?

Given the gravity of what is proposed by HB 1, and its possible impact on the constitutional right of the Ohio citizens to propose and campaign for ballot initiatives, HB 1 if enacted will be extensively litigated. As such, passing HB 1 in its current form will cost the State of Ohio and the citizens of the State of Ohio millions in legal fees and costs, and impact Ohio elections for years to come.

This body should not take any action that restricts in any way the constitutional rights of Ohio citizens for ballot initiatives. The process protects the rights of all Ohio Citizens to propose and vote upon matters of importance to all Ohio Citizens where the Ohio legislature has not followed a majority of the citizens desires. This is evidenced by the recent citizens ballot initiatives approved (and defeated) by the vast majority of Ohio residents in the past several years, and the current ballot initiative that is likely to appear on the November, 2024 ballot.

I ask you to consider my written testimony and vote “No” on HB 1, or convert the legislative process from an “emergency” basis so as to allow for in-depth research and hearings with experts and interested citizens.

Thank you again for the opportunity to testify.

⁵ <https://elc.ohio.gov/>