

Testimony on HB 377, Initiative Petitions
Before the House Elections and Ethics Committee
Presented by Peg Rosenfield on behalf of the
League of Women Voters of Ohio
March 10, 2010

The League of Women Voters of Ohio supports House Bill 377 to the extent that it strengthens the ballot initiative process by trying to ensure that the information presented to voters who are asked to sign petitions is accurate. Concerns in the last several years have focused on paid circulators not accurately informing voters asked to sign petitions of the content of the petitions. Voters asked to sign any initiative petition deserve accurate information.

Often voters asked to sign petitions see only the title of the petition and the summary of the proposed change. Sometimes they see only the page they are being asked to sign and rely on the circulator for accurate information about the contents of the petition. Because the Ballot Board is already required to determine whether a proposal is a single issue or should be presented as more than one issue, we propose that at the same time the Ballot Board should determine whether the title of the issue accurately reflects the purpose of the issue. Second, the Secretary of State should require that at a minimum the title of the bill should appear on every page containing a voter's signature. Preferably the summary language should also appear on every page containing a voter's signature. Finally, to save space, the current statement on the petition that "the circulator has read and understands the laws pertaining to petition circulation" could be removed from the signature sheet and instead be kept on file with the petition entity.

In addition, the League supports placing more responsibility on companies that hire paid circulators to properly train them and supervise them. Licensure is a reasonable response so long as the process is not so burdensome or expensive to discourage initiatives. However, the exemption for organizations such as the League of Women Voters from being classified as a "petition entity" must be maintained so long as the organizations are utilizing unpaid volunteers. HB 377 should also add clarification that providing volunteers with something like a bottle of water or a tee-shirt is not to be considered as payment for collecting signatures.

Because Ohio already requires circulators to sign petitions "under penalty of election falsification," the notarization requirement adds very little, and could be a barrier to good government groups using volunteers, and having very minimal monetary resources. The problem is with enforcement rather than strengthening this part of the law.

The League supports the limitation that individuals guilty of "identity theft, fraud, or forgery" may not circulate or witness "the signing of any declaration of candidacy and petition or nominating, initiative, referendum, or recall petition."

The League also supports requirements that circulators understand petition circulation laws, including voluntary training programs. The proposal could be strengthened, however, by requiring that the "current representative" who must complete the training program include all supervisors of the entity, rather than allowing a single employee, perhaps the mail room clerk, to complete the training.

The bill could also be strengthened by providing that the petition entity be sanctioned if it "negligently" broke the rules. The standard proposed in the bill, that the petition entity "knowingly" broke the rules, may be hard to prove because circulators generally do not work in the presence of the petition entity.

Not accurately describing the contents of the petition to a person being asked to sign a petition is the heart of the problem with petition circulators. This should be added to the reasons for revoking a petition entity's license.

Finally, HB 377 must be narrowly tailored to assure that Ohioans' constitutional rights to initiate a constitutional amendment, statute and referendum are honored. Voters asked to sign any initiative petition deserve accurate information. To that end, HB 377 should also include initiated statutes and referenda, as well as constitutional amendment initiatives.

Thank you. I will be glad to answer any questions on these or other items in the bill.

The League of Women Voters of Ohio, a nonpartisan political organization, encourages Informed and active participation in government, works to Increase understanding of major public policy Issues, and Influences public policy through education and advocacy.